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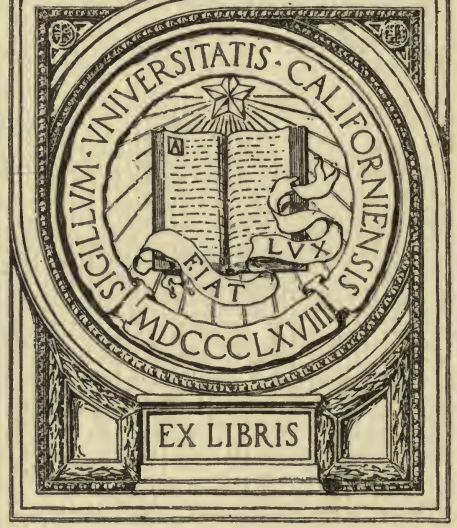

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STATE OF NEW YORK

THIRD REPORT

OF THE

Factory Investigating Commission

1914

TRANSMITTED TO THE LEGISLATURE FEBRUARY 14, 1914.

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UNIV. OF
CALIFORNIA

STATE OF NEW YORK

No. 28

IN ASSEMBLY

FEBRUARY 16, 1914

THIRD REPORT

OF THE

FACTORY INVESTIGATING COMMISSION

1914

ROBERT F. WAGNER,
Chairman.
ALFRED E. SMITH,
Vice-Chairman.
CHARLES M. HAMILTON,
EDWARD D. JACKSON,
CYRUS W. PHILLIPS,
SIMON BRENTANO,
ROBERT E. DOWLING,
MARY E. DREIER,
SAMUEL GOMPERS,
Commission.

ABRAM I. ELKUS,
Chief Counsel.

BERNARD L. SHIENTAG,
Assistant Counsel.

FRANK A. TIERNEY,
Secretary.

HOWARD B. WOOLSTON,
Director of Wage Investigation.

A. H. N. BARON,
Assistant Director.

ACT CONTINUING COMMISSION.

CHAP. 137.

AN ACT to continue the commission created by chapter five hundred and sixty-one of the laws of nineteen hundred and eleven, entitled "An act to create a commission to investigate the conditions under which manufacture is carried on in cities of the first and second class in this state, and making appropriation therefor," and to enlarge the scope of the investigation of the commission and making an appropriation therefor.

Became a law March 27, 1913, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commission created by chapter five hundred and sixty-one of the laws of nineteen hundred and eleven, entitled "An act to create a commission to investigate the conditions under which manufacture is carried on in cities of the first and second class in this state, and making an appropriation therefor," is hereby continued with all the powers conferred by said chapter, as amended by chapter twenty-one of the laws of nineteen hundred and twelve.

§ 2. In addition to the powers heretofore conferred upon it by such chapter, as amended, the said commission shall have power to inquire into the wages of labor in all industries and employments and the conditions under which labor is carried on throughout the state, and into the advisability of fixing minimum rates of wages or of other legislation relating to the wages or conditions of labor in general or in any industry. Said commission shall also have power to subpœna and require the attendance of witnesses and the production of books and papers pertaining to the investigation and inquiries hereby authorized and to take the testimony of all such witnesses and to examine all such books and papers in relation to any matter which it has power to investigate.

§ 3. The said commission shall make a report of its proceedings, together with its recommendations, including a revision of the labor law, to be prepared by the said commission if deemed advisable by it, to the legislature on or before the fifteenth day of February, nineteen hundred and fourteen.

§ 4. The sum of fifty thousand dollars ($50,000), or so much thereof as may be needed, is hereby appropriated for the actual and necessary expenses of the commission in carrying out the provisions of chapter five hundred and sixty-one of the laws of nineteen hundred and eleven, as amended, and of this act, payable by the treasurer on the warrant of the comptroller on the order of the chairman of said commission.

§ 5. This act shall take effect immediately.

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REPORT

OF THE

NEW YORK STATE FACTORY INVESTIGATING COMMISSION

To the Legislature of the State of New York:

The New York State Factory Investigating Commission, in pursuance of the provisions of chapter 137 of the Laws of 1913, hereby submits the following report:

Creation of the Commission.

This Commission was created after the Triangle Waist Company fire occurring in New York City, on March 25, 1911, in which 145 employees, chiefly women, lost their lives. It owes its existence to the demand of the people of the State for a careful and scientific investigation of the conditions under which men, women and children are employed in the different industries.

Pursuant to chapter 561 of the Laws of 1911, the following commission was appointed:

By the President of the Senate:

Robert F. Wagner
Charles M. Hamilton.

By the Speaker of the Assembly:

Alfred E. Smith
Edward D. Jackson
Cyrus W. Phillips.

By the Governor:

Simon Brentano
Robert E. Dowling
Mary E Dreier
Samuel Gompers.

SCOPE OF THE COMMISSION'S INVESTIGATION.

The Legislature authorized the Commission to inquire into the conditions under which manufacturing is carried on in cities of the first and second class of the State, to the end that remedial legislation might be enacted for the protection of the life and health of all factory workers, and for the best interests of the public generally.

The Commission was given all the powers of a legislative committee, including the power to compel the attendance of witnesses and the production of books and papers, and the right to appoint counsel, secretary, stenographer and the necessary employees to aid it in carrying out its work The members of the Commission were to receive no compensation for their services.

The vital importance of this investigation and its broad scope have already been fully described in the two reports of the Commission which have been previously submitted to the Legislature.

ORGANIZATION OF THE COMMISSION.

The Commission was organized in August, 1911. Senator Robert F. Wagner was elected Chairman, and Assemblyman Alfred E. Smith, Vice Chairman. The Commission appointed Abram I. Elkus, Chief Counsel, and Bernard L. Shientag, Assistant Counsel. Frank A. Tierney was selected as Secretary.

SUMMARY OF WORK IN 1911.

The Commission retained Dr. George M. Price as its expert in general charge of the work of inspection of manufacturing establishments, and of the problem of sanitation therein. Mr. H. F. J. Porter, a mechanical engineer, was retained as advisory expert on the fire problem. Under their supervision a trained corps of inspectors was put in the field.

The Commission held fourteen public hearings in the cities of the first and second class of the State; 222 witnesses were examined, and 3,489 pages of testimony taken. In addition numerous executive sessions and conferences were held.

The following investigations were conducted:

1. General sanitary investigation of factories in cities of the first and second class.
2. Fire hazard in factories.
3. Women's trades.
4. Conditions in bakeries and physical examination of bakers employed therein.
5. Lead poisoning and arsenical poisoning.
6. An industrial survey of a selected area in New York City.
7. Preliminary investigation of child labor in tenement houses.

Special reports on each of the foregoing are fully set forth in the Commission's preliminary report in three volumes, which was published March 1, 1912, to which reference is here made. This report, together with a series of bills embodying the preliminary recommendations of the Commission, was submitted to the Legislature on March 1, 1912.

We shall not now go into the details of this preliminary report, except to call attention to the fact that one investigation alone, the general sanitary investigation, covered twenty industries and 1,836 factories, in which 63,374 men, women and children were employed. The bakery investigation covered 500 bakeries, and included a careful physical examination of 800 bakers therein employed. The industrial survey in New York City covered 323 establishments, in which 10,698 men, women and children were employed.

LAWS ENACTED AS A RESULT OF THE COMMISSION'S FIRST YEAR'S WORK.

The following bills recommended by the Commission in its preliminary reports were passed by the Legislature during the session of 1912, and became laws:

1. Registration of factories.
2. Physical examination of children before employment certificate is issued.

3. Fire drills.

4. Automatic sprinklers.

5. Fire prevention; removal of rubbish; fire-proof receptacles for waste material; protection of gas jets; prohibition of smoking in factories.

6. Prohibition of the eating of lunch in rooms where poisonous substances are prepared or generated in the process of manufacture; adequate hot and cold washing facilities for such establishments.

7. Employment prohibited of women within four weeks after child-birth.

8. Summary power of Commissioner of Labor over unclean and unsanitary factories.

CONTINUANCE OF THE COMMISSION IN 1912.

On March 6, 1912, chapter 21 of the Laws of 1912 was enacted, continuing the time within which the Commission might complete its investigations to the 15th day of January, 1913. The act extended the jurisdiction of the Commission to cities throughout the State, and also authorized the Commission to investigate general conditions in mercantile establishments. The Commission thereupon continued its investigations with the organization previously referred to, except that James P. Whiskeman, C. E., was retained as advisory expert on the fire problem.

Numerous civic organizations, which for many years had urged the appointment of a special commission to investigate the important subject of manufacturing in tenements, requested this Commission to investigate that problem, along with the other work that it had undertaken.

INVESTIGATIONS IN 1912.

In 1912 and 1913 the Commission conducted the following investigations:

1. General sanitary investigation continued throughout the State.

2. Fire hazard investigation continued.
3. Manufacturing in tenements.
4. Conditions in the canneries.
5. Night work of women in factories.
6. The tobacco industry.
7. The printing industry.
8. Investigation of conditions in mercantile establishments.
9. Investigation of dangerous trades, covering the following:
    a The chemical industry generally.
    b Wood alcohol.
    c Commercial acids.
    d Lead poisoning and arsenical poisoning.
    e Six miscellaneous investigations on occupational diseases and accidents in the dangerous trades.

Detailed reports of all of these investigations are fully set forth in the second report of the Commission, contained in four printed volumes, which was submitted to the Legislature in February, 1913.

The enormous amount of work involved in these comprehensive investigations will be apparent upon an examination of the second report just mentioned. That report also sets forth the large number of inspectors and trained investigators that had to be retained to aid in the work of these investigations.

SUMMARY OF COMMISSION'S WORK IN 1912.

In 1912 and 1913 the Commission held 37 public hearings in different cities of the State, over 250 witnesses were examined, and 3,557 pages of testimony taken. In addition, numerous executive sessions were held, at which employees of different industries attended and testified.

The general sanitary investigation of 1912 included 45 cities of the State, and covered 1,338 industrial establishments, in which 125,961 wage-earners were employed. All told, the investigations conducted by the Commission during this

period covered several hundred thousand men, women and children working in the different industries of the State. Many canneries in the State were inspected by the Commission itself or its agents. Many factories were personally investigated by the Commission, and hearings held and testimony taken right in the factory.

ISSUANCE OF TENTATIVE BILLS.

The Commission, early in the fall of 1912, issued, in the form of proposed bills, the most important recommendations it had received for remedial legislation. These bills were sent broadcast throughout the State to all of the different interests involved, and as a result suggestions and criticisms were received which were of considerable help in drafting the final recommendations of the Commission. In addition, numerous public hearings were held in different cities of the State on the tentative bills issued, so that everyone interested was given an opportunity to appear before the Commission and present his views and suggestions concerning any of the matters under consideration.

With its second report the Commission submitted a comprehensive series of bills for the improvement of working conditions and for the complete reorganization of the Department of Labor, which practically amounted to a new Labor Code for the State of New York. The following bills recommended by the Commission in its second report were enacted into law by the Legislature during the session of 1913:

1. Reorganization of Labor Department; Industrial Board.
2. Penalties for violation of Labor Law and Industrial Code.
3. Fire-proof receptacles; gas jets; smoking.
4. Fire alarm signal systems and fire drills.
5. Fire escapes and exits; limitation of number of occupants; construction of future factory buildings.
6. Amendment to Greater New York Charter (Fire Prevention Law).
7. Prohibition of employment of children under fourteen, in cannery sheds or tenement houses; definition of factory building; definition of tenement house.

8. Manufacturing in tenements.

9. Hours of labor of women in canneries.

10. Housing conditions in labor camps maintained in connection with a factory.

11. Physical examination of children employed in factories.

12. Amendments to child labor law; physical examination before issuance of employment certificate; school record; supervision over issuance of employment certificates.

13. Amendment to compulsory education law; school record.

14. Night work of women in factories.

15. Seats for women in factories.

16. Bakeries.

17. Cleanliness of workrooms.

18. Cleanliness of factory buildings.

19. Ventilation; general; special.

20. Washing facilities; dressing rooms; water closets.

21. Accident prevention; lighting of factories and workrooms.

22. Elevators.

23. Dangerous trades.

24. Foundries.

25. Employment of children in dangerous occupations; employment of women in core-rooms.

Summary of Legislation Passed in 1913.

Reorganization of the Labor Department.

The number of inspectors subject to civil service appointment was increased. A division of industrial hygiene was created, to be composed of experts to have charge of ventilation, occupational diseases and accident prevention. A section of Medical Inspection was provided for, to have charge of the health inspection of factories and the physical examination of minors. The functions of the Bureau of Statistics of the Department were enlarged. An Industrial Board was created, on which employers and employees

were to be represented, and which was to make detailed rules and regulations for safety and sanitation in factories to meet the varying conditions in different industries and in different parts of the State.

Protection in Case of Fire.

A series of laws was passed providing for fire drills and for alarm signal systems. Smoking in factories was prohibited. Gas jets were required to be covered. Waste material, cuttings and rubbish were to be removed from floors and stored in fire-proof receptacles. Detailed requirements were made for adequate stairways and fire escapes in existing buildings. A code for the future construction of factory buildings was enacted. The number of persons permitted to work in a factory was limited in accordance with exit facilities provided.

Child Labor.

The employment of children under fourteen in tenement house manufacture and in cannery sheds was prohibited. Requirements were made for the physical examination of children before employment certificate is issued and while they are at work in factories. Employment of children in dangerous trades and in connection with dangerous machinery was prohibited. The educational requirement for the issuance of a working certificate was raised so that no child will be permitted to work until it has completed the first six years' work of the public school, or school equivalent thereto.

Women's Work.

Night work of women in factories was prohibited. Hours of labor of women in canneries were limited to 60 hours a week, with power to the Industrial Board, if the health of the women will permit, to allow them to work 66 hours a week during a certain limited rush period. Employment of women within four weeks after child-birth was prohibited. Provision was made for furnishing seats to women workers in factories and mercantile establishments, with backs where practicable, and permitting the use thereof by the employees. The employment of women in core-rooms in foundries was rigidly restricted. Such employment was prohibited where the oven is located in same room in which women work.

Manufacturing in Tenements.

The manufacturing or preparation of food products, dolls or dolls' clothing and infants' and children's wearing apparel in any living room in a tenement house was prohibited. No other manufacturing is to be permitted unless a license is obtained therefor, which license is to be granted only if proper sanitary conditions are maintained. No child under fourteen is permitted to work at manufacturing in a tenement house. Provision was made for the publication of names and addresses of firms who send goods to the tenement houses to be manufactured or prepared, so that the public may be fully aware of the conditions under which the articles they use or consume are prepared.

Sanitation and Accident Prevention in Factories.

Laws were passed for the prevention of accidents; for the prevention and control of lead poisoning and other industrial poisonings; for cleanliness of factory buildings and work-rooms; for proper ventilation and lighting; for adequate dressing rooms for female employees, and for proper and sufficient water closets and washing facilities. A special law was enacted to secure more sanitary conditions in bakeries throughout the State, and more frequent and rigid inspection thereof. Future cellar bakeries were prohibited. Employment of diseased bakers was prohibited. Duplication of inspection of bakeries was done away with. In New York City bakeries were placed within the jurisdiction of the Board of Health exclusively, and in the rest of the State within the jurisdiction of the Department of Labor. Provision was made for a sanitary code for bakeries.

Foundry Bill.

The foundry bill, which provides for safe and healthful working conditions in the foundries of the State, was passed as a result of this Commission's recommendations.

Administration of the Labor Law.

Provision was made for the registration of all factories with the Department of Labor. Summary powers were conferred upon the

Commissioner of Labor to close up unclean workrooms in any factory.

The enactment of these laws marked a new era in labor legislation in the State of New York. It placed the State of New York in the lead in legislation for the protection of wage earners.

HEARING ON COMMISSION'S BILLS BEFORE LEGISLATIVE COMMITTEES.

A hearing on the bills recommended by the Commission was held before the Joint Committees of Labor and Industry of the Senate and Assembly, in the Assembly Chamber, on February 19, 1913. At this hearing several hundred representatives of employers, employees, labor unions and social and civic organizations appeared. The bills recommended by the Commission were commended and approved by practically everyone present for their fairness and effectiveness. The minutes of that hearing are referred to and made part of this report.*

At this hearing also many representatives of social and civic organizations called attention to the necessity for a comprehensive and complete investigation of wages paid in the different industries of the State, particularly those in which large numbers of women and children were employed. They urged that instead of the creation of a new Commission for that purpose, the present Commission be continued and empowered to conduct this investigation. In response to that demand chapter 137 of the Laws of 1913 was enacted.

CONTINUANCE OF COMMISSION IN 1913.

This act continued the Commission in office until the 15th day of February, 1914, and authorized it to inquire into the rates of wages paid in the different industries of the State, and to report on the advisability of establishing minimum rates of wages. The Commission was also required to continue the investigation into conditions in mercantile establishments and, if advisable, to prepare and present to the Legislature a recodification of the Labor Law.

* See Volume IV of the Commission's Second Report, page 2225.

Work of the Commission in 1913.

In 1913 the following matters were taken up by the Commission:

1.—*Wage Investigation.*

This was conducted under the direction of Howard B. Woolston, Ph. D., with A. H. N. Baron as Assistant Director, and a force of investigators and inspectors.

Up to the present time this investigation has covered the following industries in Greater New York.

1. Confectionery manufacturing.
2. Paper box manufacturing.
3. Department stores and other mercantile establishments.
4. The manufacture of men's shirts.
5. Millinery.
6. Silk mills.
7. Jute mills.
8. Sugar refineries.
9. Umbrella factories.
10. Scrub women and window cleaners in office buildings.
11. Rag and paper shops on the lower East Side.
12. Longshoremen.
13. Dress patterns.
14. Buttons.

The first four industries alone included 381 establishments, in which about 88,000 men, women and children wage earners were employed. Detailed wage data was secured for each one of these workers. The other industries mentioned include about 90,000 workers.

The details of this investigation are fully set forth later. The preliminary reports of the Director of Investigation on wages in the confectionery and paper-box industries in Greater New York are set forth in Appendices I and II to the report.

2.—*Investigation of Wages in Artificial Flowers and Millinery Industry.*

This was conducted under the supervision of the Commission's Director of Investigation by Miss Mary Van Kleeck, of the Committee on Women's Work of the Russell Sage Foundation. Over two thousand annual wage cards of workers have thus far been obtained. The investigation has not yet been completed.

3.—*Report on Wage Legislation.*

A detailed analysis of all the laws regulating wages in this and foreign countries, and describing the operation and method of procedure under those laws, was prepared for the Commission by Irene Osgood Andrews, Assistant Secretary of the American Association for Labor Legislation. This report is set forth in Appendix III.

4.—*Minimum Wage Bibliography.*

Dr. C. C. Williamson, Chief of the Division of Economics and Sociology, of the New York Public Library, prepared for the Commission a comprehensive bibliography on the subject of the minimum wage. A copy of this bibliography is annexed hereto, marked Appendix IV.

5.—*Recodification of the Labor Law.*

The Commission has prepared, and submits herewith, in Appendix V to the report, a thorough and comprehensive recodification of the Labor Law. This was done with the active assistance and co-operation of the Legislative Bill-Drafting Bureau of Columbia University, of which Thomas I. Parkinson, Esq., of the New York bar, is the head. The Commission takes this opportunity of expressing its deep appreciation for the valuable assistance rendered by the bureau.

6.—*Fire Hazard in Mercantile Establishments.*

This investigation, which covered department stores and other mercantile establishments in cities of the first and second class in the State, was conducted by the Commission with the help of Fran-

ces Perkins, Executive Secretary of the New York Committee on Safety, and a trained force of inspectors. A special report of this work is set forth in Appendix VI, annexed hereto.

7.—*Miscellaneous Matters.*

The Commission has commenced an investigation of prison-made shirts under contract in the neighboring States.

Through the State Department of Insurance an investigation of employees' mutual benefit societies in the large department stores is also being conducted.

The Commission also made an investigation and report of the Binghamton fire, which is set forth in Appendix VII to this report.

Appreciation of Assistance to the Commission.

The Commission desires to express its appreciation of the valuable service rendered to it, without compensation, by the Committee on Women's Work of the Russell Sage Foundation, of which Miss Mary Van Kleeck is director, in the artificial flower and millinery investigation; by Mrs. Andrews, of the American Association for Labor Legislation, in the preparation of the report on wage legislation; by Dr. C. C. Williamson, Chief of the Division of Economics and Sociology of the New York Public Library, in the preparation of the bibliography on the minimum wage, and by Frances Perkins, Secretary of the Committee on Safety, in the conduct of the investigation of the fire hazard in mercantile establishments.

We also desire to express our appreciation of the assistance and co-operation that the Commission received from the Hon. James M. Lynch, Commissioner of Labor, and his courtesy in assigning agents of the Department of Labor to assist in the Commission's work. Our thanks are also due to other officials of the Department of Labor and to many volunteer students of Columbia University and the College of the City of New York for the help they rendered to the Commission in its work, and to numerous social and civic organizations who assisted in gathering information relative to the subjects under investigation.

The Commission is also grateful to the Hon. William Sohmer, Comptroller of the State of New York, for his courtesy in assigning an accountant from his office to assist in some special work that the Commission undertook in connection with the wage investigation.

WAGE INVESTIGATION.

As a result of the Commission's recommendations laws have heretofore been enacted for the improvement of the physical conditions under which men, women and children are employed and for the elimination of the evils of child labor, and of excessive hours of toil by women and minors.

As a fitting climax to its program of social and industrial betterment, the Commission was authorized to take up the wage problem in its various phases, and to consider the question of the enactment of legislation whereby the State would secure to its workers a living wage—that is, a wage that will secure physical, mental and moral health for the individual worker. Merely to state the problem that the Commission was asked to attempt to solve is sufficient to call attention to the many different elements entering into it.

The wage problem has been with us from early times. It has been the subject of endless, and for the most part contradictory, discussion by economists, publicists, theologians and representatives of every side of the question.

The demand for a living wage for workers is by no means of recent origin. Regulation of wages by the State is nothing new to many foreign countries.

In the United States, to be sure, the mere suggestion of any interference by the State with wages, if made only a few years ago, would have been regarded as a startling proposition, and a dangerous and unwarranted form of paternalism.

But in this country also the past decade has witnessed a marked change in the public attitude toward matters of social and industrial reform. Our strong individualistic tendencies have been modified, and have given way to a recognition of the interest and of the duty that the State has in preserving the physical, mental and moral well-being of its citizens, particularly those employed in industry. In consequence, in nine of the States during the last

two or three years wage legislation in some form or other has been enacted, having as its aim to secure to women workers, for the most part, a wage that would enable them to be self-sustaining, and to maintain themselves in health and in "reasonable comfort."

Demand for Investigation.

This present investigation comes at a most opportune time in this State. For several years attention has been called in the press, in public utterances and in reports by various private agencies, to the very low wages paid women workers in some of our industries. These reports and statements, it was claimed, were exaggerated and biased, were based on narrow and incomplete investigations, and reflected only one side of the case.

This Commission was directed, therefore, to conduct a comprehensive and scientific investigation of the entire subject, an investigation that would be fair to all concerned, and which would obtain the real facts, and facts proven by undisputed testimony. Its function was to ascertain:

First—What wages are paid in the different industries of the State.

Second—To suggest a practical remedy for any evils that might be found to exist.

Direction of Investigation.

As director of its investigation, the Commission was fortunate to secure the services of Howard B. Woolston, Ph. D., Assistant Professor of Political Science of the College of the City of New York, a trained statistician and who for many years has been a student of social and economic problems of the day. As assistant director of investigation, there was appointed Albert H. N. Baron, M. A., a graduate of the University of Colorado and of Clark University, and post-graduate student of the Universities of Chicago and Vienna. Mr. Baron had also been an investigator for the United States Department of Labor. The director of investigation selected to assist him, a force of twelve investigators and four clerical assistants. Four agents were subsequently as-

signed from the State Department of Labor, through the courtesy of Commissioner Lynch, and several students and voluntary workers have helped without compensation, so far as their time would permit. A number of welfare and trade societies have materially assisted in gathering information.

It was recognized at the very outset that in order that its work might be of value the Commission would have to secure the cooperation and assistance of the business interests involved, and numerous meetings were held with committees of employers in those industries that were studied.

It is but fair to say that for the most part the information sought was freely given, and the Commission, up to the present time, has had no occasion to invoke the power of subpoena conferred upon it by law.

The scope of the investigation was carefully considered. The subject had so many ramifications that it was deemed advisable to call in the services of experts to assist the Commission in planning the scope of its work and the information desired.

APPOINTMENT OF ADVISORY COMMITTEE.

With this in view the following advisory committee was appointed:

John B. Andrews, Secretary, American Association for Labor Legislation.

Gertrude M. Beeks, National Civic Federation.

E. W. Bloomingdale, Counsel, New York Retail Dry Goods Association.

Peter J. Brady, Allied Printing Trades Council.

Robert E. Chaddock, Columbia University.

Katherine B. Davis, Commissioner of Corrections, New York City.

Edward T. Devine, Director, School of Philanthropy, New York City.

Henry W. Farnman, Princeton University.

Irving Fisher, Yale University.

John A. Fitch, The "Survey."

Lee K. Frankel, Vice-President, Metropolitan Life Insurance Co.

Franklin H. Giddings, Professor of Sociology, Columbia University.

Pauline Goldmark, Member Industrial Board, Department of Labor.

Mrs. J. Borden Harriman, Member Federal Industrial Relations Commission.

Daniel Harris, President, N. Y. State Federation of Labor.

Leonard W. Hatch, Chief Statistician, Department of Labor.

Sara Straus Hess, New York City.

Frederick W. Hoffman, Chief Statistician, Prudential Life Insurance Co.

Jeremiah W. Jenks, New York University.

Paul U. Kellogg, Editor "The Survey."

John Kingsbury, Director, N. Y. Assn. for Improving Condition of the Poor.

Samuel McCune Lindsay, Columbia University.

George W. Loft, Candy Manufacturer, New York City.

Royal Meeker, Commissioner of Labor Statistics, Washington, D. C.

Charles P. Neill, Former United States Commissioner of Labor.

Edward D. Page, New York City.

Frances Perkins, Committee on Safety.

William C. Rogers, 2nd Deputy Commissioner, Department of Labor.

Henry R. Seager, Columbia University.

Louis Stewart, President, Retail Dry Goods Association.

Frank Tucker, Charities Organization Society.

Lillian D. Wald, Nurses' Settlement.

William R. Willcox, National Civic Federation.

William R. Willcox, President, National Civic Federation.

John Williams, Industrial Board, Department of Labor.

TENTATIVE PROGRAMME AND SCHEDULES.

The following tentative programme and schedules were prepared and sent to the members of this Committee:

Outline of a Proposed Plan for a Wage Investigation.

Purpose.

The New York State Factory Investigating Commission, created in 1911 and continued in 1912, received an extension of powers in March of the present year "to inquire into the wages of labor in all industries and employments and the conditions under which labor is carried on throughout the State, and into the advisability of fixing manimum rates of wages or of other legislation relating to the wages or conditions of labor in general or in any industry." In order to carry out this extended function, the Commission received power to subpoena witnesses and to require the production of books and papers pertaining to the investigation.

The work of the Commission hitherto has been mainly concerned with the safety and health of factory workers. It now turns to the question of compensation and to the advisability of establishing laws regulating the same. The title "Minimum Wage Investigation" is perhaps unfortunate, as it seems to indicate the purpose of the Commission to establish such legislation. Such, however, we take it, is not necessarily the case; but the purpose is rather to consider the advisability of any such regulation.

Scope.

The scope of the Commission's work falls into four main divisions:

First—A brief summary of recent investigations and findings along similar lines.

Second—What wages are actually paid in certain industries of the State?

Third—Are these wages adequate to maintain the employee effectively according to an appropriate standard of living?

Fourth—Are the industries able to add to the wage payment of their employees on the basis of the earnings from their labor?

This last point cannot be adequately determined with the means now at the disposal of the Commission.

The investigation thus falls into a discussion of the distribution of money wages and their adequacy.

Industries Selected.

In order to investigate the problem within the limited time and resources at the command of the Commission, certain industries have been selected in which the rate of pay is notoriously low. The following excerpt from Census Bulletin No. 93 shows the relative status of certain industrial occupations in this State. (See Table A, page 22.)

The last Federal Census also shows that these industries are much below the general level, as shown by the average annual wage. (See Table B.)

It will be noted that the confectionery trade, paper box industry, silk and men's linen are among the lowest paid lines in the State. However, these industries suggested are representative, in that they employ a large number of hands and contribute a large proportion of the annual value of products, as shown by Table C.

It is true that they are not so important as the clothing, printing, foundry, tobacco and shoe industries, but in the latter cases the trades are fairly well organized and reasonably well paid. In the case of clothing, the trades are too extensive and too widely scattered to be investigated in so short a time. Moreover, in the case of this last group of industries, the employers and employees themselves are at present conducting investigations, and it would, therefore, be difficult for another to progress at the same time. Regarding the knit goods industry, it may be said that the State Department of Labor contemplates the possibility of investigating this for the Commission.

Not only are the industries mentioned important, but their distribution throughout the State is rather widespread, as shown by Table D. At the same time, their concentration within a reasonably small number of large plants is shown in Table E.

Finally, in selecting these industries, the proportion of women employed has been considered, inasmuch as the minimum wage investigations in other States have regarded this matter as of greatest importance, and because trades in which women are largely occupied are usually poorly organized and often underpaid. (See Table F.)

Field of Investigation.

The Commission has also decided that it would be well to investigate the retail dry goods and department stores, because of the large number of young women therein employed. It has been suggested, however, that this part of the investigation, because of its great importance, be postponed until the smaller industries have been investigated, the force of inspectors trained and the schedules have been tried out. Otherwise, the first task of the Commission in studying the department stores would at once consume the greater part of its time and resources, and yield no basis for comparison.

With regard to the order of the investigation, it has been thought best to begin with an examination of conditions in New York City, both for reasons of convenience and economy, as well as because of the fact that in this way a fairly good idea of the conditions of the trade or industry throughout the State may be obtained. After this local survey in several lines has been completed, the other important centers in which the trades are represented will be visited.

The field of investigation will cover three sources of information:

First—The statement of the employer or of his responsible agent.

Second—The records of the firm, so far as they deal with wages and hours of labor.

Third—The statement of employees obtained in order to check up and correct the other two sources.

Method of Procedure.

As to the method of procedure, it is proposed to begin with a preliminary interview on the general facts of the trade or industry, such as the season, hours of work and general wage classification, the attitude toward employees, welfare work, etc. Then the investigators will proceed to use their tabular blanks to find from the payrolls and other records the individual weekly and annual earnings, following them through the entire year, if possible, or ascertain them for typical periods where this is not possible.

While this material is being taken from pay rolls it is proposed to secure from a large number of employees individual cards which will identify them, and to follow these employees by personal interview in order to determine their trade history and general standing in the occupation.

While it would be desirable to investigate the intimate personal history and standard of living of employees, it is practically impossible to do such work adequately within the time assigned, unless a great amount of efficient co-operation can be secured from local welfare agencies, trade associations, etc.

Such material as has been obtained by interview and transcription will then be tabulated and analyzed, and this systematic presentation will be supplemented by hearings, at which explanation and interpretation of the data will be brought out.

This material, it is hoped, will in the first place give a considerable body of facts upon which the Commission may base its judgment as to the wisdom of promoting any wage legislation. It may also indicate directions in which further investigation or immediate legislative action is desirable.

It is the hope of the Commission that this rough outline and schedule material will be freely criticized by persons interested in the work. We particularly desire to have the ground adequately covered so far as the time will permit, and at the same time to secure such simplification as will make possible a proper conclusion for the task.

TABLE A — LOW WEEKLY WAGE.

Census Bulletin No. 93, 1905, Low-Paid Industries of New York State.

INDUSTRY.	Establishments.	No. of returns.	Average weekly wage.
Canning	257	7,350	$6.35
*Confectionery	104	3,877	7.12
*Shirts	83	3,938	7.29
*Paper Boxes	119	5,264	7.32
*Silk	43	4,884	7.68
Knit Goods	87	11,129	7.70
*Collars	7	6,498	8.04
Millinery and lace	195	6,166	8.47
Tobacco	1,709	18,369	8.96
Bookbinding	141	4,245	9.08
Boots	71	7,064	9.35
Lumber	463	4,836	9.59
Men's Clothes	657	16,162	9.83
Women's Clothes	551	21,555	10.31
All Industries	19,030	430,475	$10.40

TABLE B — LOW ANNUAL WAGE.

Federal Census of Manufactures, 1909, of New York State.

Average Annual Wages.

(Total Annual Wages Divided by Annual Average of Wage Earners.)

INDUSTRY.	Average wage (annual).	INDUSTRY.	Average wage (annual).
All Industries	$555	*Confectionery	$351
*Paper Boxes	413	Flowers and Feathers	407
Canning	362	*Furnishings	428
Carpets	565	*Silk	416
Men's Clothes	525	Tobacco	458
Women's Clothes	557		

Table C — Relative Importance.

Federal Census of Manufactures, 1909, *of New York State.*

44,935 *Factories Employing* 1,300,981 *Wage Earners.*

Industry.	Per cent. of wage earners.	Per cent. of total value of products.
Men's Clothes	9.8	8.1
Women's Clothes	9.1	7.9
Printing	6.3	6.4
Foundry	6.4	4.6
Knit Goods	3.6	2.
Tobacco	3.	2.3
Shoes	2.2	1.4
*Furnishing Goods	1.8	1.3
*Silk	1.3	.8
Carpets	1.2	.8
*Paper Boxes	1.1	.4
*Confectionery	.9	.8
Canning	.7	.6

Table D — Distribution.

Number of Employees in Factories.

N. Y. Department of Labor, Factory Inspector's Report, 1911.

Place.	Confectionery.	Paper boxes.	Silk.	Men's linen.	Total.
New York	9,363	9,260	5,181	8,793	32,597
Buffalo	722	2,442	910	312	4,386
Rochester	645	864	....	434	1,943
Troy	....	309	....	14,609	14,918
Syracuse	319	211	....	50	580
Glens Falls	....	....	....	1,799	1,799
Albany	....	....	....	1,280	1,280
Hornell	....	....	1,244	....	1,244
Amsterdam	....	....	733	....	733

TABLE D — (*Continued*).

PLACE.	Confectionery.	Paper boxes.	Silk.	Men's linen.	Total.
Utica	....	102(2)	....	....	102
Yonkers	....	....	66(1)	....	66
Schenectady ..	....	43(2)	....	....	43
Total	11,049	13,231	8,134	27,277	59,691

TABLE E — CONCENTRATION AND NUMBER OF WOMEN.

N. Y. Department of Labor, Factory Inspectors' Report, 1911.

GENERAL INDUSTRY.	Special branches.	No. of shops.	No. of women in shops.
Clothing.....	Dressmaking	4,602	52,630
	Tailoring	5,265	25,004
	*Shirts and Collars....	356	25,004
	Laundries	2,652	10,734
Textiles.....	Hosiery and Knit Goods	330	21,069
	*Silk	141	7,794
	Carpets	41	5,777
Food.....	Cigars	1,205	11,114
	Canning	199	5,329
	*Confectionery	783	5,172
Paper.....	*Boxes	366	8,585
	Printing	2,313	7,170
	Bookbinding	306	4,147
Leather and Rubber..	Shoes	268	7,522
	Gloves	130	3,377
	Mattresses and Pillows.	298	2,090
Total, all Industries.....		44,672	322,131

Federal Census of Manufactures, 1909, of New York State.

INDUSTRY.	No. of establishments.	No. of wage earners.	Per cent. of women.
*Paper Boxes	315	11,538	62.9
Canning	790	7,075	55.1
Carpets	16	11,898	44.3
Men's Clothes	2,983	91,363	41.1
Women's Clothes	3,083	98,104	57.3
*Confectionery	249	8,570	58.
*Men's Furnishings	375	18,186	77.2
Knit Goods	360	35,950	63.6
*Silk	170	12,903	62.4
Tobacco	3,371	30,019	50.6

MEETING WITH ADVISORY COMMITTEE.

On September 26, 1913, the Commission met with the members of the Advisory Committee to consider the proposed plan. The following questions were submitted for discussion at this meeting:

Questions for Discussion.

1. The Investigation:
   - a What industries should be selected?
   - b What percentage of workers in each industry should be covered?
   - c Period of time to be covered for each wage-earner?
   - d When should the department store investigation be commenced?
   - e To what extent should investigation cover budgets of workers and standard of living?
   - f How far is it practicable or advisable to make a study of wages as compared with the efficiency of the workers?

g To what extent is it practicable or advisable to make a study of the relationship between wages and profits in a given industry?

h Kind of schedules to be used; comments on proposed schedules?

2. Wages and Vice:

To what extent is it practicable or advisable to go into this subject?

3. Relationship between Wages and Industrial Education:

To what extent should the Commission go into this subject; in what way should it be approached?

4. Outside Agencies:

What outside agencies, Federal or State, and what civic and social organizations have been engaged in work along lines similar to that which this Commission is undertaking?

To what extent can their past investigations be utilized by the Commission in this inquiry?

Is it practicable to request any of them to undertake investigations in conjunction with the Commission or under its supervision?

5. Wage Legislation:

a Arguments in favor of wage legislation?

b Objections to wage legislation — practical; economic; legal. How may these objections be met?

6. Appointment of Sub-Committees:

Advisability of dividing Committee into sub-committees which are to consider different phases of the wage problem.

If so, what sub-committees should be appointed?

The prevailing view was that the wages in three or four industries, particularly those in which large numbers of women were

employed, should be carefully studied throughout the State. It was also recommended that in these industries both the men and women workers should be studied, and that personal histories and living conditions of a certain percentage of the wage-earners should be obtained.

Scope of the Investigation.

It was therefore decided that the following principal industries should be investigated:

Confectionery.
Paper Box.
Department stores and mercantile establishments.
Shirt factories.

In addition to these main lines of inquiry, the following industries were examined into to a limited extent:

Silk Mills.
Jute Mills.
Sugar Refineries.
Umbrella Factories.
Scrub women and window cleaners in office buildings.
Rag and paper shops on the lower East Side.
Longshoremen.
Dress patterns.
Button Factories.

Extent of the Investigation.

Owing to the limitation of time and funds at the Commission's disposal, the investigation of the foregoing industries has, up to the present time, been confined to Greater New York.

To show the extent of the inquiry, we submit herewith the following table, setting forth the number of establishments visited, and the number of wage workers covered in the principal industries investigated up to date:

PRINCIPAL INDUSTRIES COVERED.

	No. of firms.	No. of workers.
Confectionery	61	8,656
Paper Boxes	191	9,105
Mercantile establishments (including department stores)	57	62,406
Men's Shirts	72	7,850
	381	87,917

So that, in all, the Commission has secured detailed wage data for about 88,000 individual workers, including men, women and children.

In addition to this, the Commission procured information with reference to wages, in the following industries: Silk mills, jute mills, sugar refineries, umbrella factories, scrub women and window cleaners in office buildings, rag and paper shops on the lower East Side, longshoremen, dress patterns and buttons, representing upwards of 90,000 wage-earners.

In the four principal industries covered, 2,960 annual wage schedules of workers were secured, and more than one thousand personal histories of workers were obtained.

METHODS OF INVESTIGATION.

The method employed was to copy from the payroll, for the current week, the receipt of every person in the establishment, noting rate, time, additions and deductions, and earnings. In several thousand cases it was possible to obtain such data for an entire year. The number of employees and the total wages of the week were also taken.

The second line of inquiry consisted in obtaining from each employee a card showing his or her age, nativity, conjugal condition, particular work done, length of time employed, and whether or not the worker lived at home. This was followed up in over one thousand cases by personal interviews with the workers, by which it

was sought to ascertain in detail the past industrial experience and present working conditions of the worker, as well as his or her schooling and standard of living.

The last branch of the investigation consisted of an interview with the employers or responsible managers. This dealt with the general conditions and tendency of the trade, such as hours, seasons and changes in working force. Methods of securing and promoting help, wage payments, fines and commissions, pensions, welfare work and general efficiency were discussed. In some cases the firm's books were thrown open to an accountant for the purpose of analyzing relative costs and revenues.

Investigation of Millinery Industry.

Under the supervision of the Director of Investigation, the Committee on Women's Work of the Russell Sage Foundation, of which Miss Mary Van Kleeck is at the head, has been engaged in making a careful intensive study of wage conditions in the artificial flowers and millinery industries for the Commission. The investigation is still going on, and up to the present over two thousand annual wage cards of individual workers have been secured. The result of this investigation will make a valuable addition to the statistics and information gathered by this Commission.

Report on Minimum Wage Legislation.

The report on minimum wage legislation, prepared for the Commission by Irene Osgood Andrews, Assistant Secretary of the American Association for Labor Legislation, is set forth in Appendix III.

This report is very full and comprehensive. It presents for the first time in compact form an analysis of all existing wage legislation in this and foreign countries, and goes into the operation thereof and the methods of administration thereunder. This report will not only be of considerable value to the public generally interested in this problem, but, we believe, it will be particularly serviceable to members of the Legislature and other State officials in the consideration of any wage legislation that may be proposed.

The following is an outline of this report, showing how thorough and complete it is in all respects.

MINIMUM WAGE LEGISLATION.

I. THE AMERICAN MINIMUM WAGE MOVEMENT.

1. Introduction.

2. Early History of the Movement in America.
   - Definition of a Living Wage.
   - Methods of Wage Determinations.
   - Persons and Industries Involved.
   - Proposals in Congress.

3. Analysis of American Laws.
   - Titles.
   - Appointment — Organization — Appropriations.
   - Jurisdiction.
   - Initial Investigations.
   - Subordinate Wage Boards — Organization.
   - Operation of the Wage Boards.
   - Application of Wage Determination.
   - Rehearings.
   - Enforcement — Penalties.
   - Court Review.
   - Comparative Table of Minimum Wage Laws.

4. Operation of American Laws.
   - Oregon.
   - California.
   - Massachusetts.
   - Minnesota.
   - Utah.
   - Washington.
   - Wisconsin.

5. Recent Developments in the American Movement.
   - Constitutional Amendments — Inclusion of men — Initiated measures.

II. FOREIGN LEGISLATION AND RECOMMENDATIONS.

- New Zealand.
- Victoria.
- Germany.
- England.

International Recommendations.

III. REPRESENTATIVE OPINIONS UPON THE OPERATION OF WAGE BOARDS.
Position of the American Federation of Labor.
Economic Inequality Between Employer and Employee.
A living Wage and the Parasitic Industries.
Relation to Cost of Production.
Effect upon efficiency of employer and employee.
Employees unable to earn the minimum rate.
The Minimum Wage as a Public Policy.
Constitutional Aspects of Minimum Wage Legislation.

APPENDIX A. Decision of Oregon Supreme Court upholding the Minimum Wage Law.

APPENDIX B. Minimum Wage Laws.
The American Acts.
California.
Colorado.
Massachusetts.
Minnesota.
Nebraska.
Oregon.
Utah.
Washington.
Wisconsin.
The British Acts.
The Trade Boards Act.
The Coal Mines Act.
The Victorian Special Boards Act.

APPENDIX C. (1) SELECT BIBLIOGRAPHY.
(2) MINIMUM WAGE COMMISSIONS.

PRESENT STATUS OF THE WAGE INVESTIGATION.

The preliminary reports of the Director of Investigation on two of the industries studied—the confectionery and paper-box industries—are submitted herewith, and marked Appendix I and Appendix II, respectively.

At the present time the huge mass of statistics that have been gathered in the department stores and other mercantile establishments, and in the shirt industry, are in process of tabulation, and this necessarily is a slow and painstaking work, for there are several thousand detailed tables to be prepared.

It would be unwise and hardly proper in the present unfinished state of the work to discuss the results that have been obtained. We do not desire to cite from incomplete tables, nor do we wish to draw

hasty inferences from such tables as have been prepared up to date. We want to study them carefully and in their entirety before we arrive at any conclusions.

To indicate the importance and gravity of the situation that has been disclosed, so far as we have proceeded, we submit the following tables, showing in general figures the wages received by men, women and children in the confectionery and paper-box industries in Greater New York:

Table No. 1. Rates of wages by occupation of workers in the confectionery industry.

Chart No. 2. Rates of wages according to ages of workers in the confectionery industry.

Table No. 3. Actual earnings, according to occupation, of workers in the confectionery industry.

Table No. 4. Actual earnings, according to age, of workers in the confectionery industry.

Table No. 5. Rates of wages, by occupation, of workers in the paper-box industry.

Table No. 6. Rates of wages, according to ages of workers, in the paper-box industry.

Table No. 7. Actual earnings, according to occupation, of workers in the paper-box industry.

Table No. 8. Actual earnings, according to age, of workers in the paper-box industry.

Table 1 — Weekly Rates by Occupation.

Confectionery.

Rates.	Foremen and Forewomen.		Candy Makers.		Machine Operators.		Hand Dippers.		Packers and Wrappers.		Helpers.		Laborers.		Totals.	
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
Under $3.00	....	....	....	....	....	....	....	....	....	4	....	1	....	....	....	5
$3.00 to $3.49	....	....	....	....	....	....	....	....	....	26	1	1	....	....	1	27
$3.50 to $3.99	....	....	....	....	....	....	....	16	....	47	1	33	1	....	2	96
$4.00 to $4.49	....	....	....	....	....	....	....	22	....	126	6	60	....	5	6	213
$4.50 to $4.99	....	....	....	....	....	....	....	50	....	208	7	191	3	21	10	470
$5.00 to $5.49	....	2	....	....	....	....	....	56	2	529	25	281	10	13	37	881
$5.50 to $5.99	....	1	....	....	....	....	....	50	1	271	34	128	....	8	35	458
$6.00 to $6.49	....	4	....	....	....	....	....	63	3	361	94	128	24	8	121	564
$6.50 to $6.99	....	1	....	1	....	....	....	37	....	142	21	35	4	2	25	218
$7.00 to $7.49	....	6	1	1	....	1	....	45	12	192	187	68	32	2	232	315
$7.50 to $7.99	....	4	2	....	....	2	1	44	4	100	92	20	10	....	109	170
$8.00 to $8.99	....	22	3	....	2	2	1	118	8	88	261	32	47	1	322	263
$9.00 to $9.99	2	24	10	....	4	1	....	98	1	27	278	20	34	1	329	171
$10.00 to $10.99	....	29	18	....	8	....	....	75	4	6	174	5	23	1	227	116
$11.00 to $11.99	1	17	13	....	17	1	....	23	....	5	91	....	18	....	140	46
$12.00 to $12.99	5	22	36	....	21	1	....	3	1	....	142	2	24	....	229	28
$13.00 to $13.99	3	4	21	....	20	....	....	....	1	....	58	....	7	....	110	4
$14.00 to $14.99	8	5	32	....	23	....	....	1	1	....	66	....	2	....	132	6
$15.00 to $15.99	12	6	39	....	15	....	....	....	....	....	27	....	3	....	96	6
$16.00 to $17.99	22	7	42	....	10	....	....	....	1	1	22	....	3	....	100	8
$18.00 to $19.99	24	7	34	....	10	....	....	....	....	1	4	....	1	....	73	8
$20.00 to $24.99	44	5	13	....	5	....	....	....	....	....	1	....	....	....	63	5
$25.00 to $29.99	15	....	6	....	1	....	....	....	....	....	....	....	....	....	22	....
$30.00 to $34.99	11	1	1	....	....	....	....	....	....	....	....	....	....	....	12	1
$35.00 to $39.99	11	....	1	....	....	....	....	....	....	....	....	....	....	....	12	....
$40.00 and over	3	....	1	....	....	....	....	....	....	....	....	....	....	....	4	....
Totals	161	167	273	2	136	8	2	701	39	2,134	1,592	1,005	246	62	2,449	4,079

TABLE 3 — ACTUAL EARNINGS BY OCCUPATION.

Confectionery.

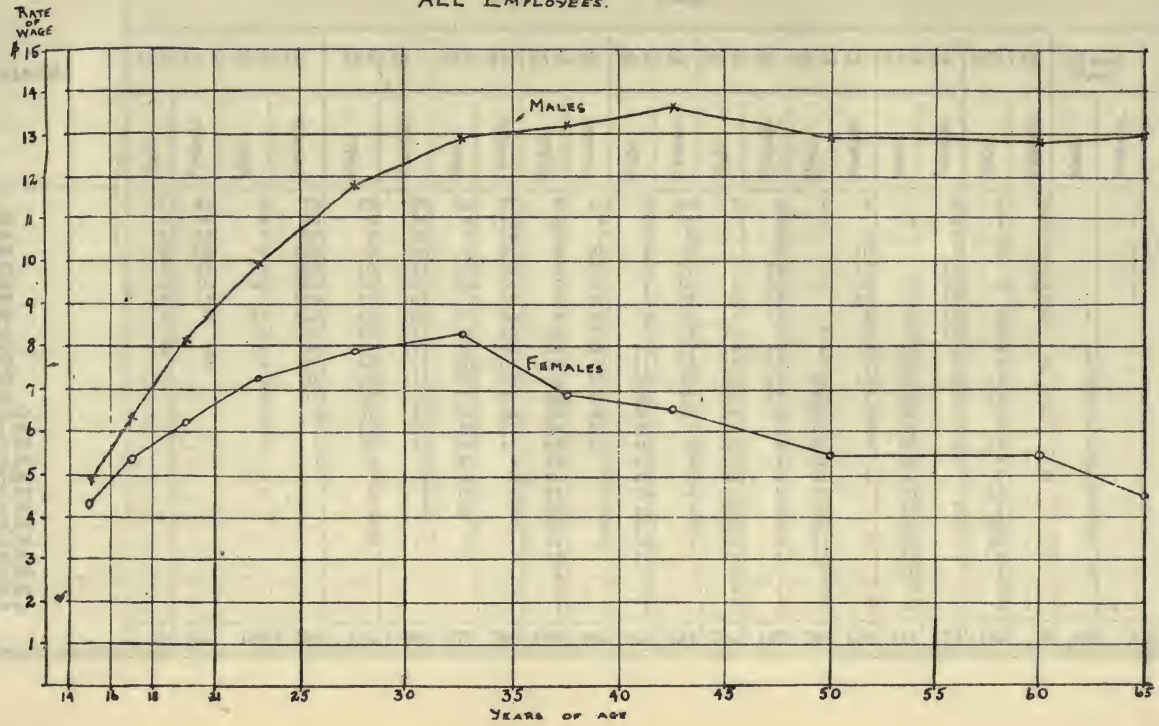
EARNINGS.	FOREMEN AND FOREWOMEN.		CANDY MAKERS.		MACHINE OPERATORS.		HAND DIPPERS.		PACKERS AND WRAPPERS.		HELPERS.		LABORERS.		TOTALS.	
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
Under $3.00	1	....	....	....	1	....	....	23	2	162	41	65	4	1	49	251
$3.00 to $3.49	1	....	1	....	....	....	1	6	....	90	13	37	1	1	17	134
$3.50 to $3.99	....	1	....	....	....	....	....	28	1	125	13	43	....	2	14	199
$4.00 to $4.49	....	....	....	....	....	....	....	42	1	228	19	86	3	12	23	368
$4.50 to $4.99	....	1	....	....	1	....	....	52	1	248	36	161	3	12	41	474
$5.00 to $5.49	....	5	....	....	1	....	....	50	4	402	49	218	11	17	65	692
$5.50 to $5.99	....	3	1	....	....	....	....	50	1	296	46	111	1	6	49	466
$6.00 to $6.49	....	4	1	....	....	....	1	75	1	262	65	110	18	9	86	460
$6.50 to $6.99	1	4	....	1	....	....	....	52	....	175	83	46	11	2	95	280
$7.00 to $7.49	....	3	....	1	....	1	....	65	9	161	113	40	30	2	152	273
$7.50 to $7.99	1	6	3	....	....	....	2	63	2	120	111	31	18	....	137	220
$8.00 to $8.99	....	23	8	....	4	3	4	121	8	138	228	54	35	2	287	341
$9.00 to $9.99	1	21	9	....	4	2	2	110	1	64	208	34	35	1	260	232
$10.00 to $10.99	....	27	17	....	8	....	1	98	3	26	150	13	19	2	198	166
$11.00 to $11.99	1	15	15	....	18	....	4	48	....	8	90	6	16	....	144	77
$12.00 to $12.99	2	19	31	....	17	2	4	13	2	2	130	5	23	....	209	41
$13.00 to $13.99	6	4	20	....	20	....	....	8	2	2	67	....	7	....	122	14
$14.00 to $14.99	9	6	26	....	17	....	1	5	....	....	73	1	1	....	127	12
$15.00 to $15.99	9	5	33	....	15	....	....	3	....	....	25	....	3	....	85	8
$16.00 to $17.99	17	8	43	....	14	....	....	2	1	1	34	....	6	....	115	11
$18.00 to $19.99	27	7	29	....	9	....	....	1	....	1	5	....	3	....	73	9
$20.00 to $24.99	42	4	25	....	8	....	....	....	....	....	4	....	....	....	79	4
$25.00 to $29.99	18	1	10	....	1	....	....	....	....	....	....	....	....	....	29	1
$30.00 to $34.99	11	....	1	....	....	....	....	....	....	....	....	....	....	....	12	.....
$35.00 to $39.99	10	....	1	....	....	....	....	....	....	....	....	....	....	....	11	.....
$40.00 and over	5	....	1	....	....	....	....	....	....	....	....	....	....	....	6	.....
Totals	162	167	275	2	138	8	20	915	39	2,511	1,603	1,061	248	69	2,485	4,733

CHART 2.

CONFECTIONERY.

MEAN (MEDIAN) RATE OF WAGE BY AGE GROUPS.

ALL EMPLOYEES.



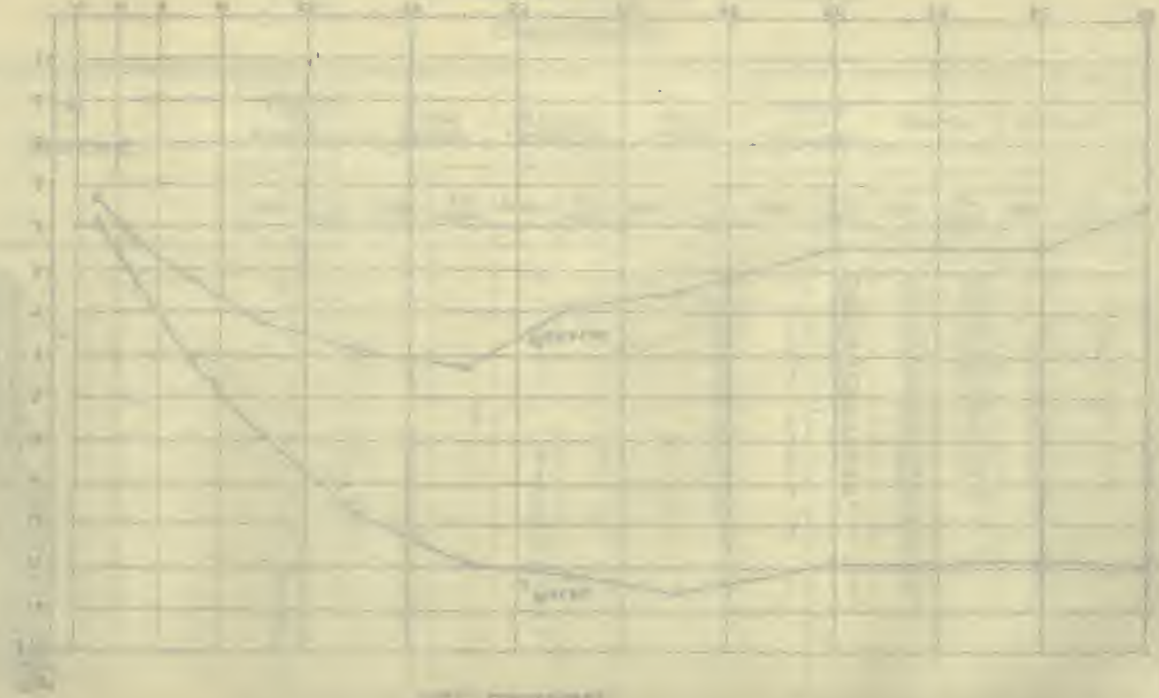


TABLE 4 — ACTUAL EARNINGS BY AGE.

Confectionery.

EARNINGS.	AGES.																					
	14 to 15.		16 to 17.		18 to 20.		21 to 24.		25 to 29.		30 to 34.		35 to 39.		40 to 44.		45 to 54.		55 to 64.		65 and over.		Totals.	
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
Under $3.00	1	41	6	79	18	63	13	27	5	11	3	11	5	6	1	4	....	9	1	2	....	....	53	253
$3.00 to $3.49	1	19	3	54	8	35	4	15	1	4	2	1	....	5	1	....	1	2	1	1	....	1	22	137
$3.50 to $3.99	1	53	7	69	2	36	1	10	3	7	2	8	....	6	....	2	....	7	....	1	....	....	16	199
$4.00 to $4.49	6	66	8	140	5	80	4	31	4	21	1	8	....	9	....	10	....	5	2	4	....	1	30	375
$4.50 to $4.99	3	43	10	193	19	114	10	39	3	22	3	17	....	14	....	12	....	16	....	3	....	1	48	474
$5.00 to $5.49	4	10	25	266	24	203	15	64	7	57	1	16	1	23	5	20	2	27	1	12	....	1	85	699
$5.50 to $5.99	1	11	7	150	24	161	7	56	8	30	4	12	5	18	....	19	4	16	....	3	....	1	60	477
$6.00 to $6.49	2	9	24	110	48	183	21	84	9	38	9	15	4	14	....	8	4	12	2	5	1	....	124	478
$6.50 to $6.99	....	....	12	46	32	131	11	53	18	22	3	13	11	9	7	6	9	11	4	....	....	....	107	291
$7.00 to $7.49	2	2	14	39	58	117	37	65	20	36	16	11	10	13	8	2	13	5	4	....	1	....	183	290
$7.50 to $7.99	....	1	4	21	40	71	30	61	29	44	11	14	12	10	7	7	19	1	2	2	1	....	155	232
$8.00 to $8.99	....	....	4	35	93	111	74	102	65	57	25	32	22	11	23	15	26	4	13	....	5	....	350	367
$9.00 to $9.99	....	....	5	17	53	76	80	67	49	43	40	17	32	17	20	7	30	2	13	1	4	....	326	247
$10.00 to $10.99	....	....	1	6	37	42	60	55	50	36	39	17	28	9	20	5	37	5	8	2	7	....	287	177
$11.00 to $11.99	....	....	1	1	14	21	44	25	56	17	26	7	14	9	11	3	23	2	5	....	1	....	195	85
$12.00 to $12.99	....	....	1	1	20	13	50	17	64	16	40	9	38	4	21	3	36	2	13	....	4	....	287	65
$13.00 to $13.99	....	....	....	1	5	2	33	8	44	1	23	2	19	1	23	....	26	1	8	....	6	....	187	16
$14.00 to $14.99	....	....	....	....	3	1	26	5	40	3	40	3	32	3	21	1	29	....	7	2	1	....	199	18
$15.00 to $15.99	....	....	1	....	5	3	18	4	31	5	28	4	27	2	23	....	19	....	13	....	5	....	170	18
$16.00 to $17.99	....	....	....	....	2	1	22	4	46	3	44	4	32	3	25	....	37	2	7	....	3	....	218	17
$18.00 to $19.99	....	....	....	....	3	....	5	3	22	5	27	2	28	2	20	....	28	1	10	....	2	....	145	13
$20.00 to $24.99	....	....	....	....	2	....	9	....	27	3	32	1	34	2	31	1	39	1	16	....	2	....	192	8
$25.00 to $29.99	....	....	....	....	....	....	1	1	12	....	14	....	14	1	15	....	17	....	5	....	....	....	78	2
$30.00 to $34.99	....	....	....	....	....	....	....	....	2	....	5	....	4	....	6	....	10	....	1	....	3	....	31	....
$35.00 to $39.99	....	....	....	....	....	....	....	....	3	....	2	....	6	1	5	....	3	....	2	....	....	....	21	1
$40.00 and over	....	....	....	....	....	....	....	....	1	....	1	....	2	1	2	1	2	....	2	....	....	....	10	2
Totals	21	255	133	1,228	515	1,464	575	796	619	481	441	224	380	193	295	126	414	131	140	38	46	5	3,579	4,941

TABLE 5 — SPECIFIED RATES BY OCCUPATION.

Paper Boxes.

RATES.	OCCUPATIONS.																					
	Foremen and forewomen		Cutting.		Glue maker	Setting up.		General machine work.		Glue table work.	COVERING.			Table work.		Closing and tying.		Floor work.		Totals.	
											Strippers and labellers.		Turners in.								
	Male.	Female.	Male.	Female.	Male.	Male.	Female.	Male.	Female.	Male.	Male.	Female.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
Under $3.00													1		1		2	1		1	4
$3.00 to $3.49							3					1	16	1	13		10	1	2	2	45
$3.50 to $3.99			1	1		1	7					3	24	1	10		6	4	6	7	57
$4.00 to $4.49			2			2	7		9	4	1	16	84	7	30	4	8	8	18	28	172
$4.50 to $4.99			1	1		7	12	1	7	1		11	114		77	2	9	5	26	17	257
$5.00 to $5.49			12	3		17	14	11	42	4	2	48	177	10	123	11	16	23	34	90	457
$5.50 to $5.99				1		3	7	6	25		5	43	160	5	36	4	11	14	11	37	294
$6.00 to $6.49		1	26	4		16	15	24	49	2	2	99	222	9	74	20	14	23	18	122	496
$6.50 to $6.99		2	13			3	5	14	3	1	1	40	41	4	42	2		6	10	44	143
$7.00 to $7.49		2	14	1	1	15	5	15	16	3	3	66	6	8	58	14	5	24	17	97	176
$7.50 to $7.99		3	13	1		2		6	9	1		61		3	42	2	1	7	9	34	126
$8.00 to $8.99	1	3	29	1		11	16	17	8	5	4	159	4	12	175	23	8	17	27	119	401
$9.00 to $9.99		4	30	1	2	10	9	12	5	6	3	167	1	11	156	21	1	18	7	113	351
$10.00 to $10.99		17	30		2	13	20	27	3	10	1	138	1	17	83	12		22	2	134	264
$11.00 to $11.99	1	9	25		4	9	8	16		9	8	28		8	23	8		13		101	68
$12.00 to $12.99	3	18	46		1	20	7	23	3	25	5	13		14	16	3		6		146	57
$13.00 to $13.99	3	5	29			42	4	3		29	1	1		3	1	1		5		116	11
$14.00 to $14.99	3	4	36			42		3		16	1			3	1					104	5
$15.00 to $15.99	3	2	58		1	56	1	4		17	1	1		7	2	1		3		151	6
$16.00 to $17.99	17	3	103			27		1		6				1		1		1	1	157	4
$18.00 to $19.99	13		68			3		4			1			1						90	
$20.00 to $24.99	48	1	52			2								1				1		104	1
$25.00 to $29.99	20		6																	26	
$30.00 to $34.99	13																	1		14	
$35.00 to $39.99	6																			6	
$40.00 and over																					
Totals	131	74	594	14	11	301	140	187	179	139	39	895	851	126	963	129	91	203	188	1,860	3,395

TABLE 6 — SPECIFIED RATES BY AGE AND SEX.

Paper Boxes.

RATES.	AGES.																					
	14 to 15.		16 to 17.		18 to 20.		21 to 24.		25 to 29.		30 to 34.		35 to 39.		40 to 44.		45 to 54.		55 to 64.		65 and over.		Totals.	
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
Under $3.00	1	3	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	4
$3.00 to $3.49	1	19	3	17	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	4	39
$3.50 to $3.99	4	31	4	27	.....	3	.....	1	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	10	62
$4.00 to $4.49	11	59	11	95	2	24	5	5	1	1	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	32	184
$4.50 to $4.99	20	52	16	158	2	51	.....	9	.....	2	.....	.....	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	38	275
$5.00 to $5.49	17	44	70	239	31	149	9	33	2	9	1	10	1	4	.....	1	3	.....	1	.....	.....	.....	135	489
$5.50 to $5.99	5	30	27	149	13	89	6	25	1	6	1	5	1	1	.....	.....	.....	1	2	.....	.....	.....	56	306
$6.00 to $6.49	10	14	57	190	54	211	13	90	8	19	4	5	5	1	3	.....	3	2	4	1	1	.....	162	533
$6.50 to $6.99	1	.....	14	52	20	70	8	20	2	7	1	2	1	3	.....	1	.....	.....	.....	1	.....	.....	47	156
$7.00 to $7.49	.....	2	35	32	64	107	19	40	3	6	4	4	3	5	1	1	5	2	2	1	.....	1	136	201
$7.50 to $7.99	.....	.....	9	22	21	58	5	30	.....	8	1	6	.....	3	1	5	1	2	1	1	.....	.....	39	135
$8.00 to $8.99	.....	.....	17	32	72	190	39	97	12	59	7	20	8	20	3	13	5	14	5	1	.....	.....	168	446
$9.00 to $9.99	.....	.....	14	21	66	123	47	110	20	53	16	33	5	27	5	18	6	10	4	6	.....	.....	183	401
$10.00 to $10.99	.....	.....	4	8	56	93	60	80	39	48	26	24	12	17	7	8	18	9	3	1	1	.....	226	288
$11.00 to $11.99	.....	.....	1	.....	28	13	49	28	29	21	20	2	11	7	9	4	13	1	5	.....	.....	.....	165	76
$12.00 to $12.99	.....	.....	1	1	29	8	66	29	52	14	31	9	25	6	19	5	22	3	10	.....	2	.....	257	75
$13.00 to $13.99	.....	.....	.....	.....	20	3	61	4	46	7	25	2	25	2	7	1	10	.....	5	.....	.....	.....	199	19
$14.00 to $14.99	.....	.....	.....	.....	11	3	39	3	42	1	21	1	17	2	2	.....	9	1	2	.....	1	.....	144	11
$15.00 to $15.99	.....	.....	.....	.....	9	2	48	3	44	3	36	3	18	2	16	.....	13	1	7	.....	2	.....	193	14
$16.00 to $17.99	.....	.....	.....	.....	3	1	33	3	70	2	35	3	27	2	17	.....	19	.....	3	.....	1	.....	208	11
$18.00 to $19.99	.....	.....	.....	.....	2	.....	22	1	37	2	25	1	25	.....	10	.....	17	.....	8	.....	.....	.....	146	4
$20.00 to $24.99	.....	.....	.....	.....	.....	.....	13	.....	31	3	42	.....	20	.....	22	.....	28	.....	4	.....	.....	.....	160	3
$25.00 to $29.99	.....	.....	.....	.....	.....	.....	1	1	9	.....	10	1	9	.....	7	.....	12	.....	1	.....	.....	.....	49	2
$30.00 to $34.99	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	4	.....	9	.....	4	.....	6	.....	1	.....	.....	.....	26	.....
$35.00 to $39.99	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	3	.....	3	.....	3	.....	.....	.....	.....	.....	10	.....
$40.00 and over	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	2	.....	.....	.....	.....	.....	3	.....
Totals	70	254	283	1,044	503	1,201	543	612	451	271	313	131	227	105	136	57	195	46	68	12	8	1	2,797	3,734

TABLE 7 — ACTUAL EARNINGS BY OCCUPATION.

Paper Boxes.

EARNINGS.	OCCUPATION.																			
	Foremen and forewomen.		Cutting.		Glue maker.	Setting up.		General machine work.		Glue table work.	Covering.		Table work.		Closing and tying.		Floor work.		Totals.	
	Male.	Female.	Male.	Female.	Male.	Male.	Female.	Male.	Female.	Male.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
Under $3.00	.....	.....	3	1	.....	3	9	5	5	.....	.....	56	4	47	3	16	6	20	24	154
$3.00 to $3.49	.....	.....	4	1	.....	.....	8	2	5	1	.....	60	5	46	2	21	6	11	20	152
$3.50 to $3.99	.....	.....	3	.....	.....	2	4	2	6	.....	.....	78	2	63	1	9	6	12	16	172
$4.00 to $4.49	.....	1	6	.....	.....	3	10	3	22	7	1	134	6	101	7	13	7	22	40	303
$4.50 to $4.99	.....	.....	4	3	.....	10	12	6	26	.....	1	167	5	118	3	14	6	22	35	362
$5.00 to $5.49	.....	.....	10	3	.....	13	16	9	44	3	2	258	8	155	14	21	25	19	84	516
$5.50 to $5.99	.....	.....	9	4	.....	6	9	15	36	1	6	212	8	124	5	25	9	5	59	415
$6.00 to $6.49	.....	.....	21	3	.....	16	17	24	45	2	3	261	10	139	18	15	18	14	112	494
$6.50 to $6.99	.....	3	19	.....	.....	8	5	10	20	4	1	124	6	112	4	7	8	9	60	280
$7.00 to $7.49	.....	3	20	4	1	12	14	10	22	4	3	147	17	144	7	6	17	12	91	352
$7.50 to $7.99	.....	1	17	1	.....	5	9	9	12	1	3	118	9	135	7	11	7	8	58	295
$8.00 to $8.99	2	4	24	2	.....	12	25	13	18	7	16	237	23	311	24	8	17	4	138	609
$9.00 to $9.99	1	5	34	5	2	13	16	22	10	8	6	229	22	268	18	7	15	3	141	543
$10.00 to $10.99	.....	16	35	3	1	14	24	22	1	11	2	172	29	158	11	.....	19	4	144	378
$11.00 to $11.99	1	9	38	2	4	18	9	17	4	10	9	78	21	77	5	2	12	.....	135	181
$12.00 to $12.99	1	17	43	.....	1	20	10	25	4	21	5	57	27	50	6	2	6	.....	155	140
$13.00 to $13.99	4	6	30	.....	1	36	8	9	.....	25	2	23	13	11	2	.....	5	.....	127	48
$14.00 to $14.99	2	7	35	.....	.....	38	.....	10	.....	15	.....	8	17	10	.....	.....	5	.....	122	25
$15.00 to $15.99	3	1	52	.....	.....	39	1	3	.....	15	1	6	12	2	1	.....	2	.....	128	10
$16.00 to $17.99	14	4	102	.....	.....	38	.....	5	.....	9	1	4	19	2	1	.....	3	1	192	11
$18.00 to $19.99	14	.....	77	.....	1	11	.....	3	.....	2	1	.....	15	2	.....	.....	.....	.....	124	2
$20.00 to $24.99	47	1	59	.....	.....	4	.....	.....	.....	.....	1	.....	21	1	.....	.....	1	.....	133	2
$25.00 to $29.99	21	.....	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	.....	.....	.....	.....	.....	32	.....
$30.00 to $34.99	14	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	16	.....
$35.00 to $39 99	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	8	.....
$40.00 and over	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals	130	78	651	32	11	321	206	225	280	146	64	2,429	306	2,076	139	177	201	166	2,194	5,444

TABLE 8 — ACTUAL EARNINGS BY AGE.

Paper Boxes.

EARNINGS.	AGES.																					
	14 to 15.		16 to 17.		18 to 20.		21 to 24.		25 to 29.		30 to 34.		35 to 39.		40 to 44.		45 to 54.		55 to 64.		65 and over.		Totals.	
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
Under $3.00	2	30	8	55	5	47	5	12	1	3	....	4	4	2	....	1	....	3	2	....	1	....	28	157
$3.00 to $3.49	1	43	7	66	5	22	2	11	2	3	2	4	1	3	....	4	1	1	....	....	....	....	21	157
$3.50 to $3.99	7	38	6	78	3	37	4	8	....	5	....	2	....	3	....	....	....	4	....	....	....	....	20	175
$4.00 to $4.49	12	75	21	141	4	71	6	19	3	6	2	2	1	5	1	2	1	2	....	....	....	....	51	323
$4.50 to $4.99	22	55	27	163	9	102	2	34	2	8	....	6	....	6	....	4	....	3	1	2	....	....	63	383
$5.00 to $5.49	14	56	57	208	25	160	14	59	2	23	3	11	3	9	1	6	4	8	1	1	....	1	124	542
$5.50 to $5.99	6	45	26	160	25	149	6	50	3	9	1	13	1	5	1	1	1	2	3	4	....	....	73	438
$6.00 to $6.49	11	19	45	165	50	196	16	80	13	21	2	15	3	6	4	8	....	13	2	1	1	....	147	524
$6.50 to $6.99	2	7	16	81	27	108	13	53	4	18	1	9	3	8	....	3	1	7	1	3	....	....	68	297
$7.00 to $7.49	....	9	29	60	53	148	14	84	8	30	5	14	2	15	2	9	8	9	1	1	....	....	122	379
$7.50 to $7.99	....	3	15	42	38	110	10	77	5	38	2	20	1	8	2	10	2	3	1	4	....	....	76	315
$8.00 to $8.99	1	1	17	60	79	241	49	163	13	93	11	32	7	28	4	23	7	17	4	2	....	....	191	660
$9.00 to $9.99	....	....	15	31	76	183	51	158	26	85	16	47	7	34	7	29	7	18	4	6	....	....	209	591
$10.00 to $10.99	....	....	6	19	49	114	59	109	38	74	20	30	14	28	11	16	15	14	5	2	1	....	218	406
$11.00 to $11.99	....	....	2	4	30	51	61	75	40	27	25	12	12	14	12	4	20	3	7	2	1	....	210	192
$12.00 to $12.99	....	....	2	3	25	29	84	66	53	29	28	14	25	8	11	5	19	4	13	....	1	....	261	158
$13.00 to $13.99	....	....	....	....	25	16	62	19	45	11	29	5	21	2	9	1	10	1	3	1	....	....	204	56
$14.00 to $14.99	....	....	....	....	13	6	47	10	48	4	23	4	19	3	9	4	11	1	4	....	1	....	175	32
$15.00 to $15.99	....	....	....	....	16	3	40	5	38	4	31	3	20	2	16	....	14	....	5	....	1	....	181	17
$16.00 to $17.99	....	....	....	....	8	3	47	4	73	4	46	3	29	4	19	1	23	1	3	....	2	....	250	20
$18.00 to $19.99	....	....	....	....	4	.....	31	1	53	2	29	2	27	1	7	....	19	....	7	....	....	....	177	6
$20.00 to $24.99	....	....	....	....	8	.....	16	1	47	3	45	....	24	....	26	....	22	....	4	....	....	....	185	4
$25.00 to $29.99	....	....	....	....	.....	.....	1	1	13	....	12	1	9	....	7	....	15	....	1	....	....	....	58	2
$30.00 to $34.99	....	....	....	....	.....	.....	1	....	2	....	4	....	10	....	4	....	6	....	1	....	....	....	28	.....
$35.00 to $39.99	....	....	....	....	.....	.....	.....	.....	.....	.....	2	....	3	....	4	....	3	....	....	....	....	....	12	.....
$40.00 and over	....	....	....	....	.....	.....	.....	.....	.....	.....	.....	.....	1	....	....	....	2	....	....	....	....	....	3	.....
Totals	78	381	299	1,336	569	1,796	641	1099	532	500	339	253	247	194	157	131	211	114	73	29	9	1	3,155	5,834

WEEKLY RATES IN THE CONFECTIONERY INDUSTRY.

The figures for the confectionery industry show that from $8 to $10 a week is the most common rate for men, and that $5 a week is most frequently quoted for girls. The majority of male workers may expect to receive between $8 and $14. Most girls and women are hired for from $5 to $7.50. More than one-half of the men receive less than $10, and one-half of the women less than $6 a week.

More specifically, the prevailing rates for foremen are from $16 to $25, and for forewomen, from $8 to $13. The majority of experienced candy-makers receive from $12 to $18. Good machine operators are to be had at $11 to $16. Most hand-dippers get from $5 to $10, the better ones $8 and over. Packers and wrappers, who constitute the bulk of the female employees, usually receive from $5 to $7, while the great mass of male helpers range from $7 to $12, and less skilled women from $4.50 to $6.50 a week.

Over one-half the minor male employees are paid less than $7.50 a week, and nearly one-half the adult men receive less than $12. More than two-thirds of the girls under eighteen are rated below $5.50 a week, and more than one-half the women above this age fail to rise above $7.

ACTUAL EARNINGS IN THE CONFECTIONERY INDUSTRY.

The foregoing are the rates quoted by employers, but they suffice to indicate the general levels of wages in the industries. In order to ascertain the actual earnings, a week was selected when the business was active, though not yet quite at its height. According to rates quoted, only 12.7 per cent. of the employees were rated under $5 a week, but according to actual earnings, 21.7 per cent. of all whose receipts were noted fell below that amount. On the other hand, from the rates quoted, 64.8 per cent. of the workers might have been expected to receive more than $5 and less than $10 a week. As a matter of fact, however, only 56.6 per cent. actually received sums between these amounts. Absence accounts for a large part of the discrepancy between wages quoted and wages received in the cases of the low-paid employees.

Weekly Rates in the Paper Box Industry.

Twelve dollars is the most common rate for all males, and $6 for all female employees.

The majority of men and boys are supposed to earn between $8 and $16; more than half the women and girls between $5 and $9.

Over half the male help is rated below $12 and the majority of females under $6.50.

Boys and girls under 18 years average between $5 and $6 a week; women over 18 center at about $9; adult men, at about $15 a week.

The run of foremen are hired for from $18 to $25; forewomen, from $10 to $13. Most male cutters receive from $10 to $18; women, $5 to $7. Men who do corner-staying and ending usually ask from $8 to $15; women are to be had for similar work from $5 to $10. Male glue-table workers ordinarily range from $6 to $12; most women table workers, who do pasting and finishing, from $5 to $10. Covering (i. e., stripping and labeling), which is a woman's trade requiring some skill, brings from $6.50 to $10. Turners in, who are usually girls learning the trade, are quoted at from $4.50 to $6. Closing, tying and floor work ordinarily brings from $5.50 to $10 for males, and from $4 to $7 for girls.

Actual Earnings in the Paper-Box Industry.

Almost 2,000 women, or nearly one-half of all over 18 years of age in the trade, earned less than $6 for a week's work. More than 700 girls under 18, or 43 per cent. of those below this age, earned less than $5.

More than 400 men, or over 20 per cent. of all adult males, earned less than $10 in a week. Nearly half of all male minors received less than $7.

WAGES TOO LOW FOR DECENT LIVELIHOOD.

This summary of wages actually received indicates clearly that there is not only room for, but necessity for improvement in wages paid. No woman can live properly on $5 or $6, or even $7, a week.

What is to be done to remedy this condition the Commission has not yet agreed upon. The Commission believes that something must be done which will provide a remedy. There is no doubt that investigation and publication of these facts, and the agitation that will necessarily ensue, will be productive of good results.

The public hearings of the Commission which were held heretofore, and which disclosed the long hours which women and children worked and unsanitary conditions of labor, produced as much good as legislation. Manufacturers and proprietors of industrial establishments, where attention was called to these facts in a pointed way, were themselves eager to bring about improvements.

The Commission believes that when it has finished gathering its facts, through its investigators, and then has public hearings on the subject, hearing both sides, as it always has done, and permitting examination and cross-examination of witnesses by all parties in interest, the publication of the exact facts as to wages and the discussion necessarily following, will be productive of great good and improvement of themselves. With all the facts then before it, and after its own personal investigations are completed, the Commission will be able fully to report to the Legislature its views as to what may be done.

NECESSITY FOR CONTINUANCE OF INVESTIGATION.

Facilities should be afforded for completing the tabulation of the statistics that have been gathered and for continuing the investigation of the industries named in the different cities of the State There should also be a more extensive study of the various phases of the wage problem, such as:

Unemployment;
Industrial education;
Vocational guidance;
Efficiency of the workers;

Cost of living and family budgets;
Relation between low wages and vice,

and other kindred subjects.

After all of the statistics have been put in proper shape public hearings should be held in the different cities of the State, and the facts gathered brought to light, and all those interested, employers and employees, given an opportunity to present their views and suggestions concerning the measures to be adopted to remedy the evils disclosed. Hasty and ill-considered legislation on a matter of such vital importance cannot be too strongly condemned.

It is for these reasons that the Commission simply makes this preliminary report to show the necessity for continuance of its investigation of this important subject, and does not, at this time, go into any discussion of the different phases of the problems that have been assigned to it, or take up the arguments that have been urged in favor of and in opposition to any wage legislation by the State.

The people of the State have the right to expect us to be sure of our ground when we make our final recommendations.

It is proper to say that many of us, prior to entering upon the work of this Commission, have studied this problem, and have arrived at somewhat definite conclusions. The temptation to make definite recommendations, based upon personal experience, is very great, but when, as a Commission, we entered upon this investigation, we put aside for the time being our own personal views. We feel that we must decide on the evidence that we have gathered as a Commission, and believe that the facts that have been obtained up to the present are insufficient to serve as the basis of any final recommendations upon this important subject. Moreover, a large part of the statistics that have been gathered has not yet been tabulated, and until that has been done they have but little significance.

It is well to call attention to the fact also that next year there will probably be held a convention to revise the Constitution, when this matter and other matters bearing upon it will undoubtedly come up for consideration. We believe that that Convention should receive the benefit of a complete and comprehensive investigation of this subject.

RECODIFICATION OF THE LABOR LAW.

In our second report to the Legislature, we called attention to the necessity for a complete recodification of the Labor Law. In that report, page 292, the Commission said:

> "The greater part of the legislation recommended by the Commission must take the form of amendments to the Labor Law. That statute, since its enactment in 1897, has been subjected to numerous amendments and has grown to be unwieldy and complicated. It is in need of revision that will simplify its form and arrangement and clarify its meaning. The Commission recommends that the Labor Law be properly recodified."

We have accordingly prepared a complete and comprehensive recodification of the Labor Law, which we submit herewith. It is attached to this report and marked Appendix V.

In this work we have had the active assistance and co-operation of the Legislative Bill Drafting Bureau of Columbia University.

The following Advisory Committee was appointed to assist the Commission in the preparation of the recodification of the Labor Law:

Hon. James M. Lynch.
Hon. John Williams.
Miss Pauline Goldmark.
George W. Alger.
Walter Lindner.
John R. Shillady.
Lawrence Veiller.
Laurence Arnold Tanzer.

The Commission desires to express its appreciation of the many suggestions and criticisms that were received from the members of the Committee, who gave up their time to this work.

Present Arrangement of the Labor Law.

The present Labor Law contains the following articles:

Art. I. Short title; definitions.
II. General provisions.
III. Department of Labor.
IIIa. Industrial Board.
IV. Bureau of Inspection.
V. Bureau of Statistics and Information.
VI. Factories.
VII. Tenement-made articles.
VIII. Bakeries and confectioneries.
IX. Mines, tunnels and quarries.
X. Bureau of Mediation and Arbitration.
XI. Bureau of Industries and Immigration.
XII. Mercantile establishments.
XIII. Convict-made goods and duties of the Commissioner of Labor relative thereto.
XIV. Employers' liability.
XIVa. Workmen's compensation in dangerous employments.
XV. Employment of children in street trades.
(XVI. Laws repealed.)

Repeal of Present Articles of the Labor Law.

We have omitted from the proposed revision all of the provisions contained in Article XIII, relating to convict-made goods; Article XIV, relating to employers' liability; Article XIVa, relating to workmen's compensation; and Article XV, relating to children in the street trades.

Article XIVa, dealing with workmen's compensation, and declared unconstitutional in the Ives case, was repealed at the recent special session of the Legislature.

We also recommend the repeal of Article XIII, dealing with convict-made goods, because it has been held to be unconstitutional, and is now ineffective. (People vs. Hawkins, 157 N. Y. 1, 1898; People vs. Raynes, 136 App. Div. 417, 1910, affirmed 198 N. Y. 539, 622, 1910.)

This article prohibits the sale of convict-made goods without a license and provides for the issue and revocation of licenses. It also requires convict-made goods to be labeled and marked as such and prohibits the sale thereof without such label and mark. Section 620 of the Penal Law punishes as a misdemeanor acts which constitute violations of the provisions of this article.

While we approve of striking out this provision, in the recodification of the Labor Law, because the decision of the Court of Appeals makes it a nullity, yet we are in favor of proper legislation which will carry into effect the same principles. If necessary, the matter should be submitted to the Constitutional Convention, which we believe is to be held, so that constitutional authority may be had for legislation upon the subject. If it is necessary to have such legislation authorized by a federal statute, then we approve of the enactment of a federal statute carrying out legislation which embraces this principle.

TRANSFER OF PRESENT ARTICLES OF THE LABOR LAW.

We recommend the transfer to other chapters of the Consolidated Laws of:

1. Article XIV, dealing with employers' liability and voluntary workmen's compensation. The recently enacted Workmen's Compensation Act was made chapter 67 of the Consolidated Laws. We recommend that the title to this chapter be made "Employers' Liability and Workmen's Compensation," and that the provisions of this article be transferred to that chapter, so that the whole of the statutory law dealing with employers' liability for injuries to his employees will be contained in one chapter.

2. Article XV, dealing with children in the street trades. The provisions of this article are now enforced by the police and attendance officers. We suggest that its provisions be transferred to the Education Law.

The fact that the Department of Labor does not have any power or duty to enforce the provisions of the foregoing articles constitutes an added reason for their omission from the revised Labor Law.

Present Plan of Arrangement.

The idea of classification which evidently underlies the present arrangement of the Labor Law is that all provisions affecting a particular industry should be gathered into a separate article devoted to that industry. For example, in the article entitled "Factories," appear most of the provisions applicable to factories.

That it is practically impossible without wholly unnecessary repetition to accomplish the purpose of such a classification is evidenced by the fact that in the article entitled "General Provisions" there are a number of provisions which apply to factories, as well as to other establishments, and in the article entitled "Factories" there are some provisions which apply to other industrial establishments, as well as to factories.

The only justification for such a classification is the practical advantage of having grouped together all of the provisions of the law applicable to a particular industry. As a matter of fact, the present Labor Law does not present this desirable grouping of its provisions, and, as has been said, it is quite impossible to accomplish it without a very great deal of useless repetition of provisions applicable to several industries in the article devoted to each of those industries.

All the advantages of such a classification can be accomplished in the reprints of the law prepared by the Commissioner for the use of employers and the public. The Commissioner can readily take out all the provisions of the Labor Law applicable to factories, no matter what article may contain them, and no matter to what other industries they may be applicable, and group them in a single pamphlet for the use of persons interested in legislation affecting factories.

Proposed Classification.

We have, therefore, departed from the idea of classification underlying the present arrangement of the law. Briefly, we have adopted the following arrangement:

Group under headings, indicating the subject matter, all provisions dealing with the relations between the employer and the employee, as, for example, such matters as hours, wages, pro-

hibited employments, etc.; and under headings, indicating the industries to which they apply, all provisions relating to the physical conditions under which the work is done, as, for example, construction, equipment and method of operation of places of employment. Following this plan of grouping the provisions of the law, we have used the following arrangement:

Art. I. Short title; definitions.
II. The Department of Labor.
III. General provisions.
IV. Employment of children and females.
V. Hours of labor.
VI. Payment of wages.
VII. Public work.
VIII. Employment agencies and immigrant lodging-houses.
IX. Mediation and arbitration of industrial controversies.
X. Building construction and repair work.
XI. Factories.
XII. Bakeries and manufacture of food products.
XIII. Tenement-made articles.
XIV. Sanitation in mercantile establishments.
XV. Mines, tunnels and quarries.
XVI. Employment in compressed air.
XVII. Violations and penalties.

NEW ARTICLE, "THE DEPARTMENT OF LABOR."

Particular attention is called to the new article II, "The Department of Labor." In this we have attempted to cover the whole field of organization and powers and duties of the Department, and to include, as far as possible, all the provisions relating to administration and enforcement.

The provisions in the existing Labor Law relating to right of entry, inspection, notices and orders to comply with the provisions of the law, have been covered by general sections in this new article.

Some administrative provisions have, where they had special and exclusive application to particular parts of the law, been retained in the articles to which they apply, as, for instance, (a) supervision over the issuance of employment certificates, and physical examination of children and cancellation of employment certificates, (b) issuance of sanitary certificates for bakeries and of licenses for tenement-houses. Again, some administrative provisions with which the Labor Department is not concerned have been retained in the articles to which they apply, such as (a) the issuance of employment certificates by the Health Department, and (b) powers and duties of boards of health with reference to tenement-made articles.

Summary Powers of Commissioner Increased.

We have increased the summary powers of the Commissioner to enforce the provisions of the law. The Commissioner of Labor is authorized to apply to the Supreme Court for an order empowering him to close up a building in which there is persistent violation of the law involving serious danger to the lives or the health of the employees.

Penalty Provisions.

A revised form of section 1275 of the Penal Law, under which practically all prosecutions are now brought, has been substituted for the many criminal penalties which are now scattered through the Labor Law and the Penal Law. So, also, two sections, containing general provisions as to civil penalties and remedies, have been substituted for the several civil penalty provisions that are now found in different parts of the Labor Law.

Increase in Criminal Penalties.

We recommend the following provisions in place of the penalties provided in section 1275 of the Penal Law:

Criminal Penalties for Violation: 1. Any person who violates, or does not comply with, any provisions of this chapter, any provision of rules made under authority granted in this chapter, or any

lawful order of the Commissioner, and any person who knowingly makes a false statement or entry in any affidavit, certificate, transcript, time-book, register, record, report, documentary evidence or other papers required to be made or kept under any provision of this chapter, is guilty of a misdemeanor, and, upon conviction, shall be punished, except as otherwise provided in this chapter, for a first offense by a fine of not less than twenty dollars nor more than five hundred dollars, or by imprisonment for not more than ten days, or by both a fine and imprisonment; for a second offense by a fine of not less than fifty dollars nor more than two thousand five hundred dollars, or by imprisonment for not more than thirty days, or by both a fine and imprisonment; and for a third or subsequent offense by a fine of not less than two hundred and fifty dollars nor more than five thousand dollars, or by imprisonment for not more than sixty days, or by both a fine and imprisonment.

This changes the present penalties by raising the maximum fine for a first offense from $50 to $500; for a second offense from $250 to $2,500, and also provides that a sentence of not more than ten days' imprisonment may be imposed for a first offense. There has been no change in the minimum penalties, and the increase in the maximum penalties is in response to a widespread demand that the courts be given power to impose more severe sentences than is now possible, where circumstances demand it, for example, where there has been a wilful disregard of measures that indirectly involve the safety of workers.

MAGISTRATES TO DISPOSE OF FIRST OFFENSE VIOLATIONS OF LABOR LAW.

We recommend the amendment of sections 31 and 72 of the "Inferior Courts Act of the City of New York" so as to confer jurisdiction upon the City Magistrates' Court, to dispose of violations of the Labor Law, first offense. At the present time, in any prosecution for a violation of the Labor Law, if a *prima facie* case is made out, the magistrate has no power except to hold the defendant for the Court of Special Sessions. The amendment that is suggested is a very simple one, and will, we believe, result in the saving of considerable time to the court and to the employees of the Department of Labor.

Consolidation of Provisions Relating to Employment Certificates.

We have consolidated the lengthy provisions of the present law relating to the issuance of employment certificates (sections 71 to 76, and sections 163 to 167 of the present law), and put them in the new article IV "Employment of Children and Females."

The two series of provisions are practically identical, and by consolidating them the unnecessary repetition of more than two thousand words is avoided.

Recodification Limited to Form and Arrangement.

We have endeavored not to make any changes in the substantive provisions of the existing law—that is, in those provisions which impose duties and fix the rights of persons affected by the law. We have tried to preserve the policies of the present substantive law, but to state those policies more clearly, more briefly and more consistently with each other. The changes made in the policies of the present law have been limited to those dealing with the enforcement of the law as previously outlined.

MERCANTILE ESTABLISHMENTS.

In its second report the Commission discussed the results of a preliminary investigation of conditions in mercantile establishments in first and second class cities of the State. The investigation was not completed in time to enable the Commission to submit any definite recommendations on the subject last year.

This preliminary investigation was supplemented this year by a careful study of wages in mercantile establishments, to which reference has already been made.

The Commission also undertook an investigation of the fire hazard in department stores and other mercantile establishments, in the different cities of the State, the results of which are set forth later in this report.

SANITATION IN MERCANTILE ESTABLISHMENTS.

But little attention has in the past been paid to conditions of work in mercantile establishments. The large numbers employed in such establishments, the fact that most of the workers are girls and women, and the strain and fatigue of the work which requires the employees to stand nearly all day, combine to make it just as essential to require proper measures of sanitation and comfort in mercantile establishments as is already provided by law for factories.

The Commission, therefore, recommends that the following provisions of the Factory Law be extended to cover mercantile establishments, in place of the present inadequate mercantile law:

Sec. 17. Seats for female employees.
Sec. 84. Cleanliness of rooms.
Sec. 84a. Cleanliness of factory buildings.
Sec. 85. Size of rooms.
Sec. 86. Ventilation (subdivisions 1, 3, 4 and 5).
Sec. 88. Drinking water, wash-rooms and dressing-rooms
Sec. 88a. Water closets.

The Industrial Board should be given the power to amplify and make more specific these provisions.

EMPLOYMENT OF CHILDREN.

For more than ten years children under sixteen years of age, employed in department stores and other mercantile establishments, have been required by statute to limit their hours of labor to nine hours a day, and 54 a week. In 1907, over six years ago, children of the same ages, working in factories, were permitted to work only eight hours a day, and 48 hours a week. The Commission can see no sound reason for this discrimination. The reasons that have been urged for the eight-hour day for children in factories apply to those at work in mercantile establishments. Indeed, it may be urged that in mercantile establishments the strain is often greater because of constant standing required of the messengers, cash boys and girls.

The Commission recommends, therefore, that the hours of labor of children between fourteen and sixteen years of age, in mercantile establishments, be made to conform to those now in force for children of that age in factories, namely, that no such child shall be employed in any mercantile establishment for more than eight hours in any one day, or more than 48 hours in any one week, or after six o'clock in any day.

Hours of Labor for Women.

During the last session of the Legislature an amendment to section 161 of the Labor Law was enacted, which provided,

1. That the hours of labor in mercantile establishments, in cities of the second class, be limited to 54 hours a week, and elsewhere to 60 hours a week.

2. That no woman be employed in any mercantile establishment after six o'clock in the evening, in any second class city, or after ten o'clock in the evening elsewhere in the State.

This amendment, which was not recommended by this Commission, has been severely criticised as being an unfair discrimination against merchants in second class cities. The Commission believes this criticism is well founded. In a health measure of this kind there is no logical reason for making requirements in second class cities different from those in any other place in the State.

We, therefore, recommend the following amendments to this section:

1. The hours of labor of women in mercantile establishments to be limited to 54 hours a week, in all cities of the State.

2. That no women be employed in any mercantile establishment, in any city of the State, after ten o'clock in the evening.

It also appears that this amendment was so loosely drawn as to permit children under sixteen years of age, to work overtime during the Christmas period. This was not permitted under the old law, and should be corrected immediately.

TIME BOOKS.

To carry into effect the suggestion made in our second report, on overtime work in stores, we recommend that the hours of labor be posted, and a time-book kept, in every mercantile establishment where women are employed after 6.30 p. m.

Bills which embody the foregoing recommendations are submitted herewith.

FIRE HAZARD IN MERCANTILE ESTABLISHMENTS.

The Commission's study of mercantile establishments of necessity included an inquiry into the fire hazard in mercantile establishments, because of the fact that, especially in the case of the large department stores, they are practically public buildings. Besides the very large number of employees, there are often thousands of people under one roof at the same time, in these larger department stores. For this very reason there exists a considerable life hazard in case of fire or panic. The obvious exposure of large quantities of inflammable stock and the difficulty of maintaining discipline among the thousands of outsiders who visit these stores, present a condition in which fire or panic is likely to arise.

SCOPE OF INVESTIGATION.

The Commission's study of the fire hazard in mercantile establishments included both the large department stores and some of the small mercantile retail establishments. It was, of course, impossible to visit every mercantile establishment in the State of New York, but in order to make the work as comprehensive as possible, of the conditions which actually exist, thirty-six retail mercantile establishments in New York city and forty-four such establishments in other cities were selected as the basis of the study. The forty-four up-State stores were located in the cities of Buffalo, Rochester, Syracuse, Utica, Schenectady, Troy and Albany; while the New York stores were located in the boroughs of Manhattan and Brooklyn. Each store was visited by an investigator trained in building inspection and familiar with the best methods of fire prevention. A complete survey of each building

was made, covering the main points of the construction of the buildings as follows:

The location and type of its exit facilities.

The capacity of exits.

The maintenance of the store with special reference to the conditions of exits.

The arrangement of aisles for facilitating egress.

The disposition of inflammable stock.

The distribution of inflammable waste, storage and use of inflammable packing material.

The special plan, if any, existing in the store for facilitating egress in case of fire or panic.

Other information was gathered in regard to the following:

Existence of fire walls, and the extent to which such fire walls, when present, had been developed as a means of exit.

Exit facilities from basements, when basements were used by the establishments.

Extent to which manufacturing was carried on in these establishments, and the special precautions taken to insure safety to the persons engaged at such work in the building.

Conditions in Up-State Stores.

A summary of the information gathered in regard to the forty-four up-State stores studied shows that 13,000 employees were involved. Most of the buildings were planned and erected with little or no thought of providing adequate fire protection to the thousands of people who work in, or visit, them daily. In many cases the buildings are old buildings, converted from other uses into mercantile establishments. Most of them are non-fireproof, and a very large percentage of them have only non-fireproof, unenclosed stairways, which in themselves furnish a fire hazard, and are an entirely unprotected means of exit in case of fire. As a general rule the ground floor exits are inadequate, there being usually one main entrance and often no other means of exit.

A study of the records of the forty-four up-State stores shows the following conditions:

39 are of non-fireproof construction.

17 are unsprinkled.

34 have no standpipes.

16 have open wells or rotundas piercing the various floors, thus furnishing a draft in case of fire and inviting spread of flames from floor to floor. Ten of these open wells were without even the protection of automatic sprinklers.

22 have elevators without fireproof enclosures.

Exit Facilities:

21 have no exits from the basement directly to the street.

18 have the street doors opening inward.

Maintenance:

The maintenance of the up-State stores was poor. Large amounts of waste and rubbish were allowed to accumulate, and the packing rooms were usually found in a hazardous condition. In but nine stores was packing done in fireproof rooms.

In 24 stores the baling of waste material and old packing material (all of it highly inflammable) was done in open, non-fireproof rooms.

In only 10 stores were the exits marked.

In only three of the stores were there any special fire instructions issued to employees.

In only one store was there a regular fire drill.

In only 13 were there fire bells or gongs to give alarm in case of fire.

CONDITIONS IN NEW YORK CITY STORES.

Of the thirty-six New York city stores on the Commission's list, the records of only twenty-one are complete at the date of this report. These records show the existence of a definite fire hazard in New York city stores, and the necessity for some corrective

measures. A summary of these twenty-one stores shows the following conditions:

14 are of non-fireproof construction.
7 are unsprinkled.
8 have no standpipes.
6 have open wells or rotundas.
5 have elevators without fireproof enclosures.
8 have no exits from basement directly to street.

All the buildings have the street doors opening outward.

2 buildings have fireproof packing rooms.
6 have fireproof rooms for the baling of waste material.
11 have the exits marked.
6 have fire drills.
4 have fire signal gongs.

The number of employees in these twenty-one stores is over 20,000.

A study of the crowds in these stores during the Christmas season revealed the fact that these stores are often crowded far beyond the capacity of their exits. In one New York city store the week before Christmas, at about three o'clock in the afternoon, there were 12,350 in the building, 4,500 of them being on the ground floor and 2,200 of them being on the fifth floor, where toys were sold. This building has seven stairways, of which only two are fireproof enclosed.

Another store, having four stairways, was found with 4,222 people, at about one o'clock in the afternoon — 1,000 on the ninth floor.

Still another building, having seven stairways, was found with 8,325 people — 900 of these being on the eighth floor (restaurant), 1,100 on the fifth floor (toys), and 2,135 on the ground floor.

These figures are sufficient to show the crowding which exists.

Conclusions.

The problem of the fire hazard in mercantile establishments may be approached from two aspects:

1. Provisions for proper maintenance, which shall apply to present and future establishments.

2. Provisions for proper construction, including adequate exit facilities. Such requirements will necessarily have to be different for existing and future structures.

SMOKING IN MERCANTILE ESTABLISHMENTS.

Smoking in mercantile establishments in which inflammable materials are kept and offered for sale constitutes what is undoubtedly the most serious fire hazard in that industry. We have heretofore recommended legislation, which has been enacted, prohibiting smoking in factories. This was urged by every fire insurance expert, fire chief and fire prevention engineer that appeared before the Commission.

If such a requirement is necessary in the case of factories, where practically only employees are to be considered, it needs no argument to show how necessary it is in mercantile establishments where, besides the large number of workers, the public is present daily in hundreds and thousands, and where the materials that are on hand are, for the most part, of a flimsy and highly inflammable character.

We, therefore, recommend that no smoking be permitted in any mercantile establishment, other than cigar stores, in which more than ten persons are employed, except in fireproof enclosed rooms set apart for that purpose. The Industrial Board shall be given power to make rules exempting from the operation of this prohibition certain classes of mercantile establishments where the hazard to life is small, for example, because of the nature of the materials that are offered for sale.

OTHER PROVISIONS FOR PROPER MAINTENANCE.

We submit herewith the following suggestions for the proper maintenance and operation of mercantile establishments and all places used by or in connection with them, so as reasonably to prevent the occurrence and spread of fire, and to eliminate, so far as possible, the danger of panic in the event of fire:

1. No door, window or other opening leading to or serving as a means of egress shall be locked, bolted or fastened against egress, or in any way obstructed during business hours.

2. All means of egress, including stairways, shall be maintained free of all obstructions.

3. Aisles throughout the building shall be so arranged as to afford continuous, safe, unobstructed passageways on each floor of the building, with an unobstructed width of at least three feet throughout their length, leading directly to every means of egress, including fire escapes and passenger elevators.

4. No aisle in any building shall be reduced in width in the direction of the exit.

5. No obstruction of any kind, fixed or movable, shall be allowed to divide or block the aisles.

6. All interior rooms in such a building used as workrooms, and all interior rooms in which there are more than 25 persons permitted, shall have at least two means of exit remote from each other.

7. Packing rooms, where inflammable material is used, shall be enclosed in fireproof partitions.

8. All excelsior, paper, clippings or other inflammable material used for packing purposes shall be baled and stored in a fireproof room, and all loose excelsior in use in packing rooms shall be kept in approved fireproof bins.

9. Approved fireproof receptacles shall be provided throughout the building for the reception of waste material and rubbish, and waste material must be placed therein.

10. Where gas or kerosene are used for lighting purposes the lights shall be placed at least eighteen inches distant from inflammable stock, and shall be protected by wire safety cages. No movable bracket shall be permitted.

11. All kitchens or bakeries located in mercantile establishments must be enclosed in fireproof partitions, and separated from the rest of the building by such partitions.

12. All exits shall be plainly marked by means of a red-lighted sign, and, in addition, throughout the floor area there shall be red-lighted index signs showing the most direct path to the various exits.

13. Where there are different floor levels in any building or group of buildings used as a mercantile establishment the connection between the floor levels shall be by means of gradients having a non-slipping surface.

14. All stairways which are not adequately lighted by natural light shall be provided with artificial light.

REGULATIONS OF INDUSTRIAL BOARD.

We believe, however, that the foregoing detailed requirements should not be enacted in the form of laws, but rather that they should be adopted, with such modifications as may be deemed advisable, in the form of regulations by the Industrial Board.

This will carry out the legislative intent that was expressed when the Industrial Board was created at the last session of the Legislature—that is, that the Legislature should enact broad general requirements for safety in buildings used as factories or for mercantile purposes, leaving it to the Industrial Board, after a hearing of all the parties in interest, to make detailed requirements, which may be modified as occasion may require.

CONSTRUCTION OF MERCANTILE ESTABLISHMENTS.

The Commission is not prepared at this time to make any definite recommendations for changes in the construction of existing mercantile establishments. When the facts that have been collected in the course of our investigation have been properly correlated, public hearings and conferences should be held, at which owners of department stores, fire experts and those of the public interested in this problem may express their views and suggestions as to the proper kind of requirements that should be made. The matter is one of considerable importance, and should be disposed of only after the most careful consideration.

We submit herewith the following suggestions that we have under consideration for proper and adequate exit facilities in existing mercantile establishments:

1. All vertical openings between floors shall be enclosed in fireproof partitions, and all openings from these enclosures to the various floors shall be protected by self-closing, fire-proof doors or windows. (For definition of fireproof partitions see the Factory Law. Vertical openings include rotundas, wells, stairways, elevators, package chutes, light shafts, belt openings, pipe and duct shafts, hoistways, etc.)

2. From every floor of every building used as a mercantile establishment there shall be at least two standard means of exit remote from each other. A standard means of exit shall be considered an enclosed fireproof stairway (see Factory Law); or a smokeproof tower; or a horizontal exit; or an exterior screened stairway when one of the three foregoing types of exit is present in the building.

3. All required stairways shall extend continuously from the floors which they serve to the street; or to a fireproof passageway independent of other means of exit from the building, and opening on a road or street; or to an open area affording unobstucted passage to a road or street.

4. Each floor below the street level used for purposes of the business, in any mercantile building, shall have at least two standard means of exit remote from each other, leading directly to the street, or to a fireproof passageway or vestibule which is independent of other means of exit from the building and opens on the street.

5. All doors in buildings used for mercantile purposes shall open outwardly, or be double swinging doors.

6. Doors from all interior rooms which are used as workrooms, or from any interior rooms where more than five persons are permitted, shall open outwardly or be double swinging doors.

7. No revolving doors shall be allowed at any entrance.

8. The width of the hallways, vestibules and required exit doors leading therefrom to the street shall be not less than the aggregate width of all stairways and exits leading to them.

9. Additional exits shall be provided on the main floor of mercantile establishments. (It is on this floor that most of the shopping is done, particularly in the large department stores.)

10. The Commission also has under consideration a plan for requiring the number of exits, both from the ground floor and from the upper floors, to be based upon an area measurement related to the occupancy of these buildings, thus providing really adequate exit facilities, and yet placing no unnecessary burden upon the owner. Only after long study and conference with merchants and experts can a definite recommendation as to this be made to the Legislature.

For the future construction of mercantile establishments the Commission has under consideration also a requirement to limit the open floor area between fire walls to 25,000 square feet. In Boston such floor area is limited to 20,000 square feet; in Chicago it is limited to 30,000 square feet in sprinkled and 25,000 square feet in non-sprinkled department stores, and in Philadelphia to 25,000 square feet.

All of the foregoing tentative suggestions should be submitted to the different interests involved, and carefully discussed and considered, after full hearings are had, before any final action is taken on them.

MISCELLANEOUS MATTERS.

Report on Binghamton Fire.

On July 22, 1913, the State was shocked by the occurrence of a disastrous fire in a factory building at Binghamton. The following day the Assistant Counsel and Fire Prevention Expert of the Commission went to Binghamton and began an investigation of the fire and its causes, and also participated in the inquest that was held thereafter. A detailed report of the fire was made by Mr. James P. Whiskeman, the Commission's engineer. This report is

annexed hereto, and made a part hereof, and marked Appendix VII. Our engineer also inspected a large number of factory buildings in Binghamton. His detailed report thereon, together with his recommendations for changes in maintenance and construction, were submitted to the authorities charged with the responsibility for safe factory conditions.

It is the opinion of the Commission that if the laws passed at the last session, as a result of its recommendations, had been in operation and had been properly enforced, no such catastrophe as that which occurred in Binghamton could have taken place.

"Night Work for Women" Case.— One of the laws recommended by the Commission, enacted at the last session of the Legislature, provided that "In order to protect the health and morals of females employed in factories, by providing an adequate period of rest at night, no woman shall be employed or permitted to work in any factory in this State before six o'clock in the morning or after ten o'clock in the evening of any day."

In the case of the People vs. Williams, 189 N. Y. 131, decided 1907, the Court of Appeals held a statute unconstitutional which prohibited night work of women, as being an unwarranted interference with an adult woman's freedom of contract. As stated in our last report, we believe that the present law differs materially from that which was under consideration by the court in the Williams case. Furthermore, the facts and testimony that are set forth in our report show conclusively that the measure is a health measure, and as such is a reasonable exercise by the State of the police power for the preservation of the health and well being of its citizens.

It was recognized that it was important to select a test case that would present all of the material facts to the court for consideration. Accordingly, in co-operation with the Commissioner of Labor, a case was prepared and is now pending in the lower courts. We believe that the change in the trend of judicial decisions, the change in the present statute, and the evidence gathered by the Commission, will lead the Court of Appeals to sustain the constitutionality of the statute when it comes before it for determination.

Amendment to Greater New York Charter, in Relation to the Preventing of Fires.

Some question having arisen concerning the respective jurisdiction of the Labor Commissioner and the Fire Commissioner over the fire hazard in factory buildings in New York city, we are submitting herewith a bill to remove any ambiguity that may exist in the present law. This bill has been approved by the State Department of Labor and the Fire Department of New York city.

All of which is respectfully submitted, this 14th day of February, 1914.

ROBERT F. WAGNER,
Chairman.

ALFRED E. SMITH,
Vice-Chairman.

CHARLES M. HAMILTON,
EDWARD D. JACKSON,
CYRUS W. PHILLIPS,
SIMON BRENTANO,
ROBERT E. DOWLING,
MARY E. DREIER,
SAMUEL GOMPERS,
Commission.

FRANK A. TIERNEY,
Secretary.

ABRAM I. ELKUS,
Chief Counsel.

BERNARD L. SHIENTAG,
Assistant Counsel.

APPENDIX I.

REPORT OF THE DIRECTOR OF INVESTIGATION

ON THE

CONFECTIONERY INDUSTRY IN NEW YORK CITY.

INTRODUCTION.

In 1911, the New York State Factory Commission was authorized to investigate conditions of safety in manufacturing plants and to recommend laws securing improvements therein. The next year it was continued to examine further into questions of sanitation. In 1913, its powers were extended "to inquire into the wages of labor in all industries and employments . . . and into the advisability of fixing minimum rates of wages or of other legislation relating to the wages or conditions of labor." To perform this function the Commission was granted the power to subpoena witnesses and to require the production of books and papers pertaining to the investigation.

On September 15, 1913, offices were secured and soon after a force of twelve investigators and four clerical helpers was engaged. Four agents were subsequently assigned from the State Labor Department, and several students and volunteer workers have helped so far as their time would permit. Various welfare and trade societies have materially assisted in gathering information.

Even with this assistance, the Commission could not possibly investigate all employees in all factories and stores throughout the state within the six months at its disposal. It was advised by students of economics and statistics to select certain trades in which wages were reported to be low, and to study these in some detail. Upon the basis of recent reports, four lines were selected which are well represented by establishments throughout the state, namely: confectionery, paper boxes, men's shirts and retail stores. These businesses employ large numbers of women and the employees are for the most part unorganized.

The method employed was to copy from the pay-roll for the current week, the receipts of every person, noting rate, time worked, additions or deductions and net earnings. In several thousand cases it was possible to obtain such data for a year. The number of employees and the total wages paid each week were also taken.

A second line of inquiry was started by obtaining from each employee a card showing his or her age, nativity, conjugal condition, particular work, length of time employed and whether or not living at home. This was followed up in over a thousand cases by personal interviews which sought to learn in detail the past industrial experience and present working conditions of the employee, as well as his or her schooling, family connections and standard of living.

The last branch of the investigation consisted of an interview with the employers or responsible managers. This dealt with the general conditions and tendencies of the trade, hours, seasons, changes, etc. Methods of securing and promoting help, wage payments, fines and extras, pensions, welfare and general efficiency, were discussed. In some cases the firm's books were thrown open to an accountant for the purpose of analyzing relative costs and revenues.

The investigation has now been completed for New York City and the results for two industries have been tabulated. More than 360 establishments were scheduled and returns for more than 88,000 workers obtained. Two-thirds of this material remains to be tabulated and analyzed — a task which will require an enlarged office force for three months longer.

So far the work of this investigation has cost about $13,000. At least $7,500 will be required to complete it, without attempting further investigation up-state. It would be unfortunate to allow material already collected to remain unpublished or to close the survey without considering other communities than New York City.

The Confectionery Trade In New York City.

	United States.	New York State.	New York City.
Number of establishments	1,944	249	127
Average number wage earners	44,638	8,570	6,522
Total annual wages	$15,615,000	$3,079,000	2,373,000
Amount of capital	68,360,000	11,702,000	9,030,000
Cost of materials	81,151,000	15,644,000	12,395,000
Value of product	134,796,000	25,540,000	20,062,000

Extent.— According to the census of 1910, during the preceding year, there was produced by the factories in the United States nearly $135,000,000 worth of confectionery — more than seven pounds at twenty cents for every man, woman and child in the country. Of the total amount, New York State produced nearly 19 per cent., while 15 per cent. was manufactured in New York City.

Employees.— The Industrial Directory* for 1912 reported 1,001 large and small confectionery and ice cream manufactories throughout the state, employing more than 12,000 persons, three-fourths of whom were found in New York City. To these we may add workers engaged in chocolate and cocoa establishments, which brings the number of employees engaged in these related trades in Greater New York above 10,000. Nearly half of these are women.

	New York State.		New York City.	
	Confectionery.	Cocoa.	Confectionery.	Cocoa.
Factories	1,001	10	758	7
Office force	553	62	421	51
Shop men, 16+ years	5,520	503	4,232	425
Shop boys, 14 to 15 years	45	3	35	.....
Shop women, 16+ years	5,755	264	4,432	169
Shop girls, 14 to 15 years	297	1	256	1
Total employees	12,170	833	9,376	646

Growth.— The growth of the confectionery trade in this country has been very rapid within fifty years. The census of 1840 first designated candy making as a separate industry. At that time the output for New York State was valued at $386,000. During the next ten years machines were introduced and the output increased. Abundance of cheap sugar more than doubled the trade between 1880 and 1890. During the next ten years improved labor-saving devices were invented and some of the larger factories were established. By 1910 the State of New York had fifty-one plants which together employed 6,800 wage earners and

* Published by the New York State Department of Labor.

turned out annually products valued at over $21,000,000. There is a tendency for such large incorporated establishments to increase. Small neighborhood shops are no longer considered in the census.

Classification.— Candy manufactories may be divided into three groups according to the amount, character and disposition of their product. First, are the neighborhood shops with small equipments for turning out fresh goodies for local customers. Second, are the establishments that sell through their own stores and also manufacture specialties for the trade. Third, are the factories that turn out standard and cheap goods in large quantities for jobbers and dealers only. The price of goods and the character of the labor employed differs considerably between these groups. Because of the difficulty in reaching many employees scattered in the small shops, the first group has been omitted in this investigation.

Organization.— The organization of the factories also depends upon the nature of the product. Besides the office force, shippers and plant help, the factory proper is usually specialized into as many departments as the importance of the output requires. Thus, there may be separate units for making chocolates, bon bons and nougat, or batches of each may be turned out in one place. Each division is usually under a foreman with a superintendent in charge of the entire plant.

Workers.— In local factories, employees are usually obtained by an advertisement in the papers or by a sign on the door. Recommendations are required for the more responsible positions, but as the principal qualifications are neatness, steadiness and strength, no special training is demanded. There is no regular system of apprenticeship. A bright young helper learns by watching and practice how to perform an operation. He is then kept at this work and advances as he becomes proficient at it. There is thus considerable specialization of labor. Foremen and other responsible persons are generally secured by promoting old hands who have had good experience and who show ability to manage people.

Definition of Terms.— The term "confectionery" includes not only candy, but also chewing gum, popcorn cakes, licorice, prepared nuts, sugar pellets and materials for fine pastry. Cocoa products have been added in this survey because many candy factories make chocolate, and many chocolate mills turn out sugar confections.

Chocolate Making.— The process of making chocolate is comparatively simple and mechanical. Cocoa beans are roasted and shaken to remove the shells. The nibs are then ground fine and mixed with sugar and flavoring, after which the mass is poured into moulds. Men do the machine work; women are employed to clean and wrap the cakes.

Candy Making.— Candy making is as varied in process as the nature of the product requires. Hard candy is simply sugar or molasses cooked with flavoring material, and poured into moulds or pulled, shaped and cut. This is practically all men's work, requiring some mechanical skill. For soft candy the fondant, or cream, is obtained by beating cooked syrup in machines until it is light and pasty. This filling is then poured by hand or machine into starch moulds and set aside to harden. The cheaper grades of bon bons are preserved from drying out by being immersed in a sugar solution, which deposits a thin layer of crystals over the surface. Other creams are coated by dipping them into warm chocolate or other flavored pastes. Chocolate dipping by machine is unskilled work, but fork and hand dipping is a woman's trade requiring deftness and practice. There are many other operations, such as coating jordan almonds in revolving pans, preparing nuts and making paste, sorting gums and much miscellaneous floor work.

Character of Occupations.— In general, it may be said that cooking, or "making" candy is a skilled trade in the hands of men. Machine tending which requires judgment is also a male occupation. Packing and wrapping require deftness and an eye for effect, which have made them distinctly women's lines. But many of the semi-skilled workers, both male and female, who are put at various tasks as the demand arises, are scarcely to be dis-

tinguished from unskilled laborers, who do the heavier floor work and cleaning.

Factories Included.— For the following analysis sixty-one factories, employing more than 8,600 persons, were taken. These range in size from 6 to 857 employees, and include three chocolate mills, four chewing gum plants, two popcorn factories and fifty-two places where candy is made. This number comprises practically all the larger establishments and represents the working conditions of over 80 per cent. of the persons engaged in the local trade.

Personnel.

Of all persons employed in local confectionery establishments, 58 per cent. are girls and women — a much larger proportion than in most industries. The following table shows also that nearly three-fifths of the females are under twenty-one years of age. Taking factory workers alone, the proportion of girls is still greater. Here at once appear two reasons for low pay — feminine lack of aggressiveness and inexperience. (Table I — Sex and Age.)

TABLE I — SEX AND AGE.

Number and Percent of All Employees in Each Group.

	Total.		Male.		Female.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Total	8,656	100.	3,636	42.	5,020	58.
Age Groups.						
14–15	279	3.3	22	—.3	257	3.
16–17	1,379	15.9	142	1.6	1,237	14.3
18–20	2,002	23.1	522	6.	1,480	17.1
21–24	1,393	16.1	585	6.8	808	9.3
25–29	1,110	12.8	623	7.2	487	5.6
30–34	669	7.7	444	5.1	225	2.6
35–39	581	6.7	384	4.4	197	2.3
40–44	427	4.9	298	3.4	129	1.5
45–54	556	6.4	421	4.9	135	1.6
55–64	181	2.1	143	1.7	38	.4
65+	52	.6	47	.5	5	—.1
Not given	27	.3	5	—.1	22	—.3

As to nativity, more than half of all employees were born abroad. Of the factory hands, nearly 54 per cent. are foreign. Many more are of foreign parentage, but for these the returns are incomplete. Thirty-five different countries are represented. Table II shows that Italians lead all immigrants in this trade, especially the men, who number half the entire male working force. These facts may suggest another reason for low wages, namely, workers with a comparatively low standard of living. (Table II — Nativity.)

TABLE II — NATIVITY.

ALL EMPLOYEES.

	Males.	Females.	Both.	Per cent. of all.
Total	3,636	5,020	8,656	100.
Native	884	3,095	3,979	46.
Foreign	2,674	1,828	4,502	52.
Italian	1,848	1,372	3,220	37.
Russian	158	152	310	3.6
German	213	39	252	2.9
Austrian	111	56	167	1.9
Hungarian	91	18	109	1.3
Irish	35	49	84	.97
English	31	44	75	.87
French	28	13	41	.47
Other foreign	159	85	244	2.8
Not given	79	97	175	2.

Table III shows the distribution of native and foreign employees by age groups. It should here be noted that young persons of native birth greatly outnumber foreign minors. This excess is due to the presence of more than 2,000 native girls — more than twice the number of young women from abroad. Foreigners in the trade, therefore, are somewhat older than the majority of native workers. Considering factory workers alone, the proportion of native adult males is less than half the percentage here shown for all departments, while the ratio of females of all ages, both native and foreign, is correspondingly higher. (Table III,)

TABLE III — NATIVITY BY SEX AND AGE GROUPS.
NUMBER AND PERCENTAGES OF ALL EMPLOYEES.

		TOTALS.		AGE GROUPS.							
				14–15.		16–20.		OVER 21.		NOT GIVEN.	
		Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Totals...	Male...	3,636	42.	22	—.3	664	7.7	2,945	34.	5	—.1
	Female	5,020	58.	257	3.	2,717	31.4	2,024	23.4	22	—.3
Native..	Male...	884	10.2	19	.2	231	2.7	634	7.3	.....	.....
	Female	3,095	35.8	203	2.4	1,817	21.	1,062	12.3	13	.1
Foreign .	Male...	2,674	30.9	2	.....	416	4.8	2,254	26.1	2	.....
	Female	1,828	21.1	52	.6	842	9.7	930	10.8	4	.....
Not given	Male...	78	.9	1	.....	17	.2	57	.7	3	.....
	Female	97	1.1	2	.....	58	.7	32	.4	1	.1

Conjugal condition is also important to consider in connection with wages, because it indicates the number of individuals who may be responsible for helping to support a family. Single persons often contribute toward the maintenance of others; but in the case of married people, it is reasonably certain that they work to keep up a home. We should expect to find a large number of unmarried women in industry, since they are not usually burdened with household duties. On account of the large number of young girls in the confectionery trade, we find that 75 per cent. of all the female help are single. We should also expect to find married men predominant, because most men of working age are married.

The outstanding feature of the following table is the large number of unmarried persons. This fact suggests that because the trade is served in the main by young women, married folks with families dependent upon their earnings cannot readily compete. (Table IV.)

TABLE IV — CONJUGAL CONDITION.

NUMBER AND PERCENT OF ALL EMPLOYEES.

	TOTAL.		SINGLE.		MARRIED.		WIDOWED OR DIVORCED.		NOT GIVEN.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Males	3,636	42.	1,586	18.3	1,856	21.5	68	.8	126	1.5
Females	5,020	58.	3,779	43.7	683	7.9	261	3.	297	3.4
Both	8,656	100.	5,365	62.	2,539	29.4	329	3.8	423	4.9

OCCUPATIONS.

The following table shows the distribution of all employees by sex according to the general character of work performed:

	Male.	Female.
Confectionery workers	2,503	4,782
Plant help (engineers, etc.)	463	43
Shipping and delivery	411	24
Office help	203	138
Salespeople	14	12
Various and not recorded	42	21
Total	3,636	5,020

We shall here consider primarily those persons engaged in the processes of making and putting up confectionery and chocolate. The plant help, shipping force, office staff and others will be considered separately in following sections of the report. Occasionally, however, tendencies in the trade as a whole will be noted.

Apart from the heat of cooking and the drudgery of carrying things about, making confectionery is not a very strenuous industry. That is, the pace is not so hot as in certain needle trades, nor the work so heavy as in machine and tool-making. Piece workers, however, are kept pretty steadily at monotonous work like sorting nuts. Chocolate dippers are subjected to a temperature but slightly above 60 degrees; and floor helpers carry trays from warm rooms into coolers. But the figures available for sickness and death show workers in confectionery as a whole to be healthier than the average for their age and sex. The mate-

rials used are wholesome. There is little dust except from the starch moulds. Most dippers and packers can sit at their work, and there is often time for others to rest between batches.

As previously remarked, candy-making, pan work and operating heavy machines are men's trades requiring some skill. Hand dipping and fancy packing are analogous lines for women. But the great body of machine and hand helpers who pick materials and clean products, who mould confections and carry trays, can scarcely be said to have a regular trade. Confining the enumeration to those engaged in manufacturing processes, the following table shows the number of persons whose occupations are given, classified according to age and sex. It will be noted that there is a larger proportion of young persons employed in factory work than in other departments of the industry. (See Table V.)

CONFECTIONERY.

TABLE V. OCCUPATION BY AGE AND SEX.

NUMBER AND PERCENT OF FACTORY WORKERS.

	FOREMEN AND FOREWOMEN		CANDY MAKERS		MACHINE OPERATORS		HAND AND FORK DIPPERS		PACKERS AND WRAPPERS		SEMI-SKILLED HELPERS		MISCELLANEOUS LABOR		TOTALS		PERCENT OF	
TOTALS	331		282		148		941		2576		2683		318		7279			
	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	ALL MALES	ALL FEMALES
AGE GROUPS	162	169	280	2	140	8	20	921	40	2536	1611	1072	249	69	2502	4777	100.	100.
14 – 15								25		146	10	79	4	5	14	255	0.6	5.3
16 – 17		2	1				2	183	1	743	82	257	8	27	94	1212	3.8	25.4
18 – 20		17	7	2	2	1	6	291	19	827	283	256	44	12	361	1406	14.4	29.4
21 – 24	1	35	43		19	2	7	181	3	381	294	151	39	6	406	756	16.2	15.8
25 – 29	21	40	50		27	3	3	106	7	213	282	85	32	5	422	452	16.9	9.5
30 – 34	29	33	37		27		2	55	2	73	167	49	36	1	300	211	12.	4.4
35 – 39	26	20	44		21	1		44	2	61	156	51	20	2	269	179	10.8	3.7
40 – 44	31	10	27		19	1		16		29	98	56	23	7	198	119	7.9	2.5
45 – 54	36	9	46		23			14	4	44	160	59	31	4	300	130	12.	2.7
55 – 64	15	2	19		2			4	1	8	62	25	6		105	39	4.2	0.8
65 AND OVER	2		6					1	1	1	14	1	5		28	3	1.1	0.1
NOT GIVEN	1	1						1		10	3	3	1		5	15	0.2	0.4

NOTE. IN THIS AND FOLLOWING TABLES, THE NUMBERS OF INCOMPLETELY RECORDED CASES ARE OMITTED IN ORDER TO SIMPLIFY THE PRESENTATION. THIS WILL EXPLAIN TO STATISTICIANS WHY TOTALS DO NOT ALWAYS AGREE. THESE HAVE ALL BEEN CAREFULLY CHECKED IN THE OFFICE AND FOUND TO SQUARE BEFORE BEING PASSED. H.B.W.

It will be noted that nearly two-thirds of the operatives are women, and that comparatively few of these are highly skilled. The brighter girls begin as wrappers and learn to be fancy

packers or try to become dippers. The less able carry trays or sort candy. A few boys who begin as helpers learn to run machines and to make candy. But the majority, after acquiring a certain dexterity, stick to that line for an increase in rate, or drop out of the industry. Not infrequently older people unsuited for very heavy work drift into the trade. In the making of chocolate, chewing gum and pop corn, the operations are comparatively few and mechanical, so that little training is required.

As might be expected, the proportion of foreign born among the unskilled factory workers is greater than their quota in the industry as a whole. The percentages vary in different plants, some being manned almost entirely by foreign labor. This is particularly true of chocolate mills and factories where the cheaper grades of confections are made. On the other hand some of the most skilled candy makers are foreigners. The following table shows the distribution by percentages for 7,139 persons:

TABLE VI — OCCUPATIONS BY NATIVITY.

PERCENT OF ALL FACTORY WORKERS.

	Total.	Foremen and forewomen.	Candy makers.	Machine operators.	Hand dippers.	Packers and wrappers.	Helpers.	Laborers.
Native	46%	3%	1%	.3%	8%	24%	9%	1%
Foreign	54%	2%	3%	1.7%	5%	11%	28%	3%
Total	100%	5%	4%	2. %	13%	35%	37%	4%

Rates of Wages.

Many hand dippers and fancy packers, and also a few less skilled operatives are paid on a piece basis. They constitute about 12 per cent. of all workers. For these no rates can be given, since they vary with the character of the product. A good dipper will turn out over 100 pounds of chocolates per day; a deft packer will put up more than 150 one-pound boxes of mixed bon bons. Sometimes a flat rate is made for an average task, and more is paid in proportion to output. In general, however, fixed time rates prevail in the confectionery trade. These are given by occupations in the following table. The cumulative per cents. show the proportion which the sum of all numbers up to a given point, bear to the total of the group. (Table VII.)

CONFECTIONERY

TABLE VII. WEEKLY RATES BY OCCUPATION

NUMBER AND PERCENT OF FACTORY WORKERS BY SEX.

	FOREMEN AND FOREWOMEN		CANDY MAKERS		MACHINE OPERATORS		HAND DIPPERS		PACKERS AND WRAPPERS		HELPERS		LABORERS		TOTAL		CUMULATIVE PERCENT OF	
TOTAL / RATE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	ALL MALE	ALL FEMALE
	161	167	273	2	136	8	2	701	39	2134	1592	1005	246	62	2449	4079	100	100
UNDER $3.00										4		1				5		.1
3.00 - 3.49										26	1	1			1	27		.8
3.50 - 3.99								16		47	1	33	1		2	96	.1	3.1
4.00 - 4.49								22		126	6	60		5	6	213	.4	8.4
4.50 - 4.99								50		208	7	191	3	21	10	470	.8	19.9
5.00 - 5.49		2						56	2	529	25	281	10	13	37	881	2.3	41.5
5.50 - 5.99		1						50	1	271	34	128		8	35	458	3.7	52.7
6.00 - 6.49		4						63	3	361	94	128	24	8	121	564	8.7	66.5
6.50 - 6.99		1		1				37		142	21	35	4	2	25	218	9.7	71.9
7.00 - 7.49		6	1	1		1		45	12	192	127	68	32	2	232	315	19.1	79.6
7.50 - 7.99		4	2			2	1	44	4	100	92	20	10		109	170	23.6	83.8
8.00 - 8.99		22	3		2	2	1	118	8	88	261	32	47	1	322	263	36.7	90.2
9.00 - 9.99	2	24	10		4	1		98	1	27	278	20	34	1	329	171	50.2	94.4
10.00 - 10.99		29	18		8			75	4	6	174	5	23	1	227	116	59.4	97.2
11.00 - 11.99	1	17	13		17	1		23		5	91		18		140	46	65.2	98.4
12.00 - 12.99	5	22	36		21	1		3	1		142	2	24		229	28	74.5	99.
13.00 - 13.99	3	4	21		20				.1		58		7		110	4	79.	99.1
14.00 - 14.99	8	5	32		23			1	1		66		2		132	6	84.4	99.3
15.00 - 15.99	12	6	39		15						27		3		96	6	88.3	99.4
16.00 - 17.99	22	7	42		10				1	1	22		3		100	8	92.4	99.6
18.00 - 19.99	24	7	34		10					1	4		1		73	8	95.4	99.8
20.00 - 24.99	44	5	13		5						1				63	5	97.9	99.9
25.00 - 29.99	15		6		1										22		98.8	
30.00 - 34.99	11	1	1												12	1	99.3	100
35.00 - 39.99	11		1												12		99.8	
40.00 & OVER	3		1												4		100	

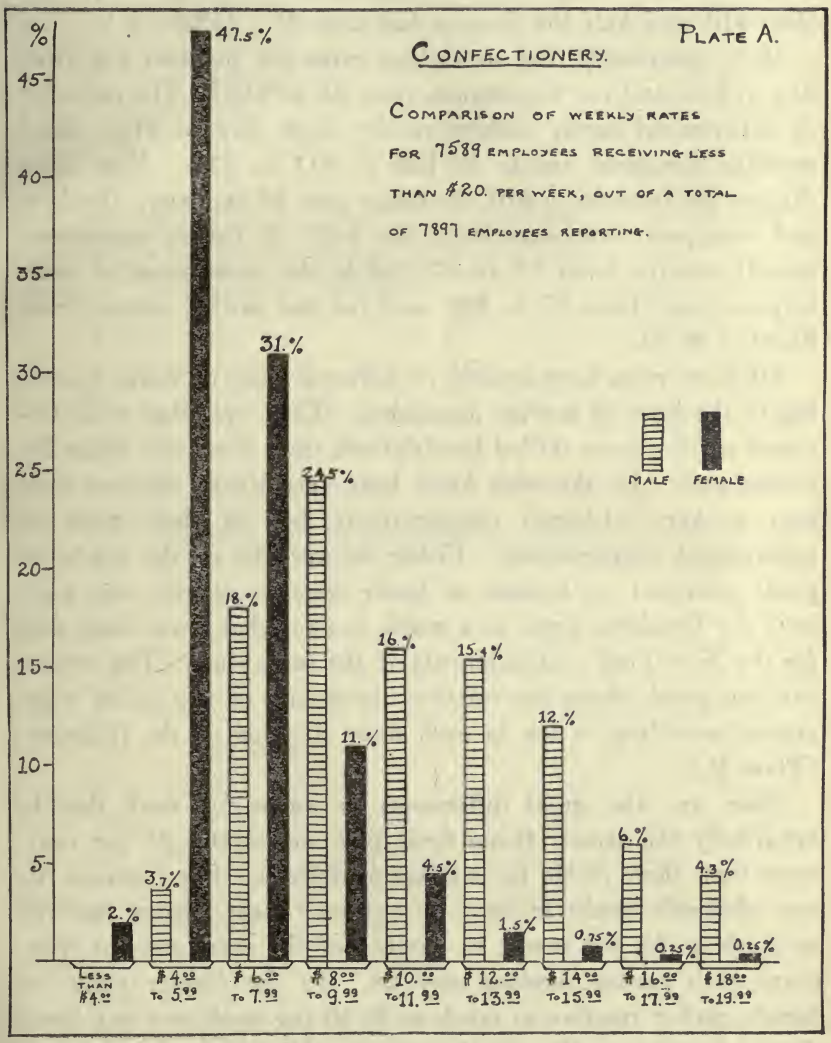

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PLATE A.
CONFECTIONERY.
COMPARISON OF WEEKLY RATES FOR 7589 EMPLOYEES RECEIVING LESS THAN $20. PER WEEK, OUT OF A TOTAL OF 7897 EMPLOYEES REPORTING.
MALE
FEMALE
45
40
35
30
25
20
15
10
5
47.5%
31.%
24.5%
18.%
16.%
15.4%
12.%
11.%
6.%
4.5%
4.3%
3.7%
2.%
1.5%
0.75%
0.25%
0.25%
LESS THAN $4.00
$4.00 TO 5.99
$6.00 TO 7.99
$8.00 TO 9.99
$10.00 TO 11.99
$12.00 TO 13.99
$14.00 TO 15.99
$16.00 TO 17.99
$18.00 TO 19.99

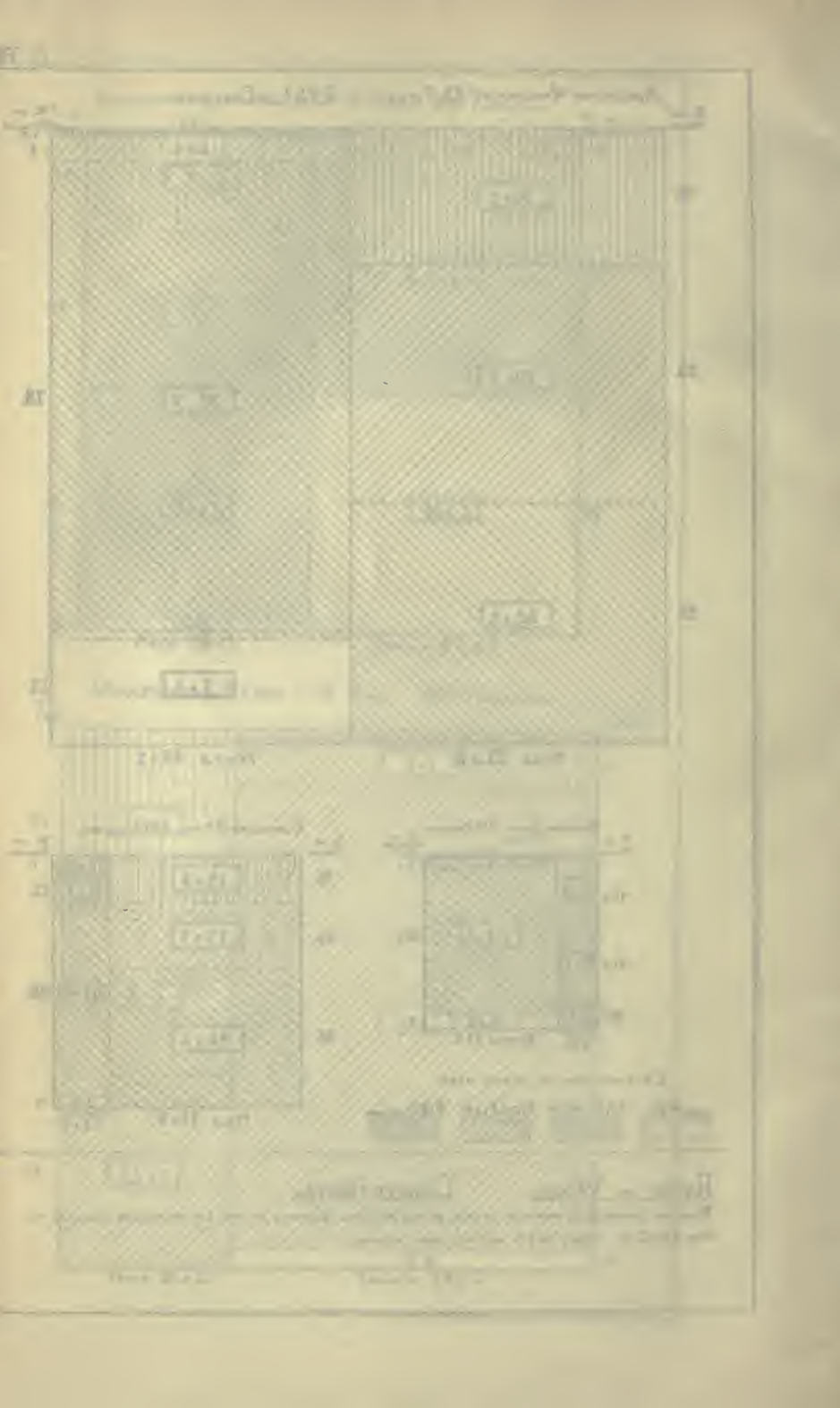
The figures show that from $8 to $10 a week is the most common rate for male workers, and that $5 is most frequently quoted for women and girls. The majority of male workers may expect to receive between $8 and $14; most girls and women are hired for from $5 to $7.50. More than half of all men and boys receive less than $10, and half the females less than $6. (Plate A.)

More specifically, the prevailing rates for foremen are from $16 to $25, and for forewomen, from $8 to $13.* The majority of experienced candy makers receive from $12 to $18. Good machine operators are to be had at $11 to $16. Most hand dippers get from $5 to $10, the better ones $8 and over. Packers and wrappers, who constitute the bulk of female employees, usually receive from $5 to $7; while the great mass of male helpers range from $7 to $12, and the less skilled women from $4.50 to $6.50.

All these rates vary greatly in different lines of work, according to the kind of service demanded. Thus, retailing manufacturers require more skilled handworkers than those who make for jobbers only. On the other hand, heavy machinery requires more men workers, although comparatively few of them need be experienced confectioners. Either on account of the grade of goods produced, or because of lower costs in general, the wage level for Brooklyn firms as a whole is somewhat lower than that for the New York establishments of the same class. The accompanying graph shows the relative importance of five dollar wage groups according to sex in each main division of the industry. (Plate B.)

There are also great differences in wages for work that is apparently the same. Some firms pay consistently 25 per cent. more than their rivals for similar operations. For instance, in one wholesale candy factory, no ordinary male laborer receives as much as $8 per week; in another of the same general type, every such person receives over $8. In the former plant no female packer receives as much as $5.50 per week, nor any hand dipper as much as $8. In the other establishment, the majority of women workers in such lines exceed these rates. These

* In each case rates for the middle 50% employed in a line has been taken to show the prevailing tendency, thus omitting extreme instances.



divergencies extend to machine processes of identical character. Difference in grade of product may in part explain such variations; but certain factories have the reputation of paying wages considerably below or above current rates.

Age differences may sometimes explain such divergencies. Naturally, the general experience and the steadiness of workers will affect their rate of pay. The accompanying graph shows the rate of payment above and below which half of all employees in each age group are found.* (Plate C.) The appended table gives the same data for factory workers only. It will be noted that in their case the middle instances range below the positions plotted for all employees. The majority of men among the shop hands never reach $13, and the representative women cannot make $7.50. (Table VIII.)

TABLE VIII.

MEDIAN RATES BY AGE GROUPS FOR FACTORY WORKERS ACCORDING TO SEX.

Age.	Males.	Females.
14–15	4.40	4.32
16–17	6.20	5.31
18–20	7.73	6.10
21–24	9.39	7.05
25–29	10.59	7.24
30–34	11.80	7.41
35–39	12.42	6.35
40–44	12.56	5.90
45–54	12.11	5.24
55–64	12.18	5.46
65+	12.50	4.75

It will be noted that men attain their maximum rate between the ages of forty and forty-five; women between thirty and thirty-five are paid highest. The rates of wages for adult women as a whole are little more than half those for men of the same age. The presence of so many unorganized women in this industry undoubtedly has a tendency to hold all wages down.

To sum up the matter of rates — over half the minor male employees are paid less than $7.50 a week; and more than half the adult men factory workers receive less than $11. More than two-thirds of the girls under eighteen are rated below $5.50; and more than half the women shop hands above this age fail to achieve the $6.50 rate. So much may suffice to indicate the general levels of wages in the industry.

* The middle case in such a series is called the *median*, and furnishes a good type to show the central tendency of a group.

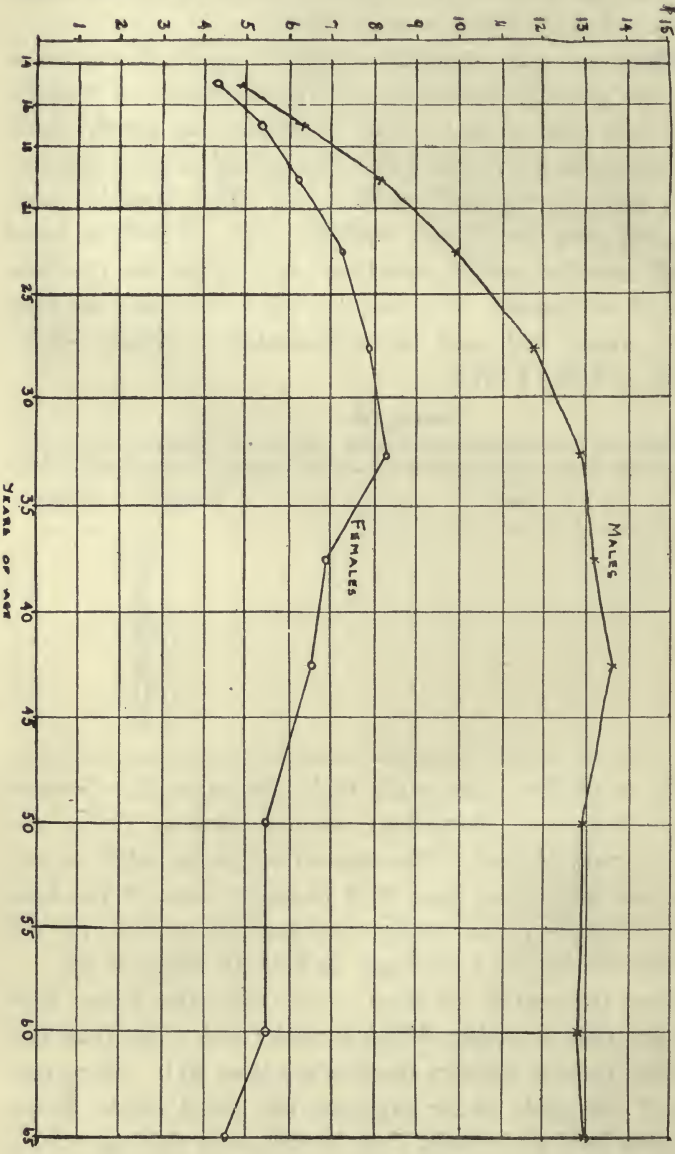


Plate C. Confectionery.
Mean (median) rate of wage by age groups.
All Employees.
Rate of wage $
Years of age
Males
Females

Actual Earnings.

A more important matter is to find how much wage earners actually receive for their labor. To determine this, our investigators entered the amount placed in the pay envelope of each employee for a week in October and late September, 1913. This was at a season when the candy industry was beginning to work full time and take on additional help in preparation for the Christmas rush. The time selected, therefore, was one showing the trade when business was active — not yet quite at its height, but well above the yearly average. Some new hands were undoubtedly being broken in, but the regulars were also beginning to make extra time or larger pay on increasing piece work. (Table IX.)

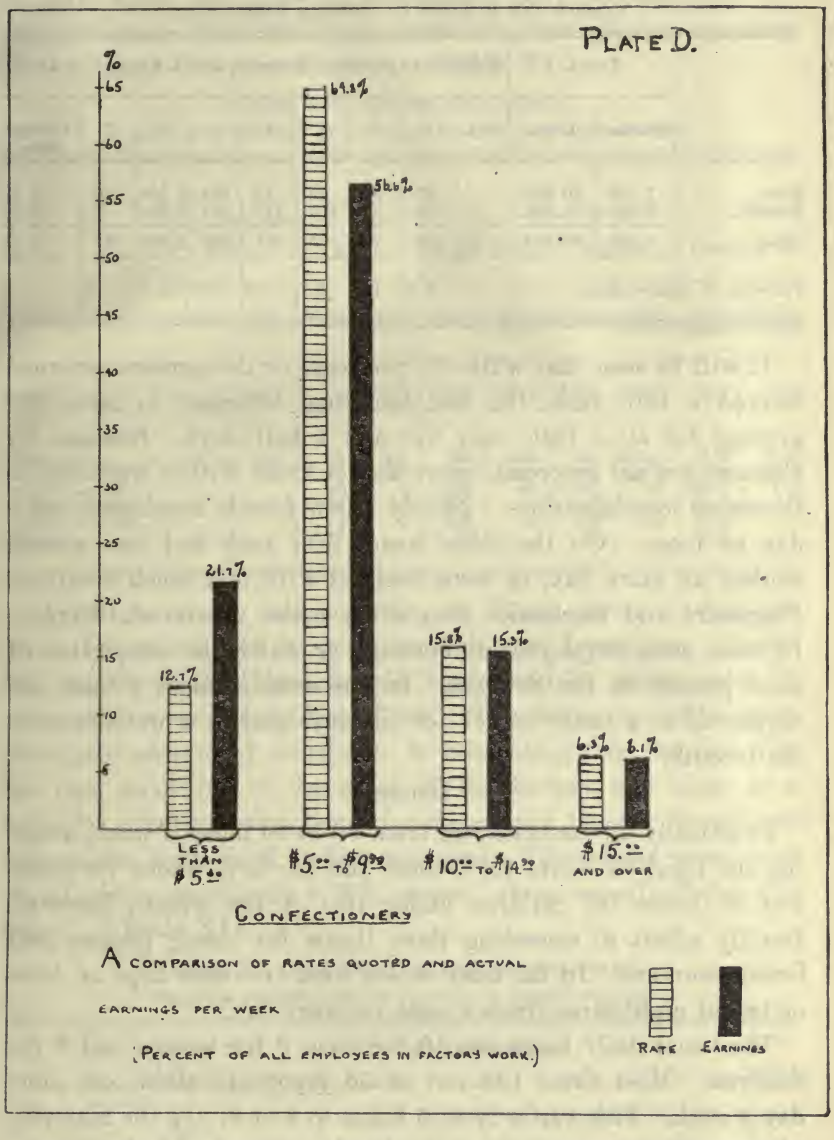
Table IX shows the number of persons receiving given earnings according to sex and occupation and also the per cent. of each sex earning up to and including the specified amounts. At first glance this distribution appears very like that shown in the preceding table for rates; but comparison reveals certain differences in the proportion of all workers who fall within each income group. According to rates quoted, only 12.7 per cent. of the employees were rated under $5. But according to actual earnings, 21.7 per cent. of all whose receipts were noted fell below that amount. On the other hand, 64.8 per cent. might have been expected to receive more than $5 and less than $10. As a matter of fact, only 56.6 per cent. actually received sums between these amounts. For amounts over $10, the proportions based on earnings are also slightly lower than those based on rates. (See Plate D.)

The reasons for this falling in earnings are not far to seek. The better paid employees are salaried persons whose income does not vary greatly on account of slack work or short absences. On the other hand the low paid employees are docked for absence, or are not paid the full amount if their output falls below standard. In one place girls are not paid for any time less than one week. As the rates are low, many soon become discouraged and leave. Thus the firm gets some work for nothing.

CONFECTIONERY.

TABLE IX WEEKLY EARNINGS BY OCCUPATION
NUMBER AND PERCENT OF FACTORY WORKERS BY SEX.

	FOREMEN AND FOREWOMEN		CANDY MAKERS		MACHINE OPERATORS		HAND DIPPERS		PACKERS AND WRAPPERS		HELPERS		LABORERS		TOTAL		CUMULATIVE PERCENT OF	
	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	ALL MALE	ALL FEMALE
TOTAL EARNINGS	162	167	275	2	138	8	20	915	39	2511	1603	1061	248	69	2485	4733	100	100
UNDER $3.00	1				1			23	2	162	41	65	4	1	49	251	2.	5.3
3.00 - 3.49	1		1				1	6		90	13	37	1	1	17	134	2.7	8.1
3.50 - 3.99		1						28	1	125	13	43		2	14	199	3.2	12.3
4.00 - 4.49								42	1	228	19	86	3	12	23	368	4.2	20.1
4.50 - 4.99		1			1			52	1	248	36	161	3	12	41	474	5.8	30.1
5.00 - 5.49		5			1			50	4	402	49	218	11	17	65	692	8.4	44.8
5.50 - 5.99		3	1					50	1	296	46	111	1	6	49	466	10.4	54.6
6.00 - 6.49		4	1				1	75	1	262	65	110	18	9	86	460	13.9	64.4
6.50 - 6.99	1	4		1				52		178	83	46	11	2	95	280	17.7	70.3
7.00 - 7.49		3		1		1		65	9	161	113	40	30	2	152	273	23.8	76.
7.50 - 7.99	1	6	3				2	63	2	120	111	31	18		137	220	29.4	80.7
8.00 - 8.99		23	8		4	3	4	121	8	138	228	54	35	2	287	341	40.9	87.9
9.00 - 9.99	1	21	9		4	2	2	110	1	64	208	34	35	1	360	232	51.4	92.8
10.00 - 10.99		27	17		8		1	98	3	26	150	13	19	2	198	166	59.4	96.3
11.00 - 11.99	1	15	15		18		4	48		8	90	6	16		144	77	65.2	97.9
12.00 - 12.99	2	19	31		17	2	4	13	2	2	130	5	23		209	41	73.6	98.8
13.00 - 13.99	6	4	20		20			8	2	2	67		7		122	14	78.5	99.1
14.00 - 14.99	9	6	26		17		1	5			73	1	1		127	12	83.7	99.4
15.00 - 15.99	9	5	33		15			3			25		3		85	8	87.1	99.5
16.00 - 17.99	17	8	43		14			2	1	1	34		6		115	11	91.7	99.8
18.00 - 19.99	27	7	29		9			1		1	5		3		73	9	94.7	99.9
20.00 - 24.99	42	4	25		8						4				79	4	97.9	99.94
25.00 - 29.99	18	1	10		1										29	1	99.	100.
30.00 - 34.99	11		1												12		99.5	
35.00 - 39.99	10		1												11		99.9	
40.00 & Over	5		1												6		100.	



DAYS WORKED.

An important factor in determining earnings is the length of time worked. Many employees received less than the prescribed rate because they did not work a full week. The following table shows the days credited by 57 firms to 5,837 factory employees:

TABLE X — DAYS WORKED.

NUMBER AND PERCENT OF FACTORY EMPLOYEES.

	TOTAL.		NUMBER OF PERSONS WORKING GIVEN NUMBER OF DAYS.								
	Persons.	Days.	— 1	1	2	3	4	5	6	7	Average days.
Male.....	1,916	10,963	...	22	21	22	52	219	1,530	50	5.57
Female.....	3,921	21,591	1	108	52	103	172	531	2,952	2	5.50
Total.....	5,837	32,554	1	130	73	125	224	750	4,482	52	5.54
Per cent. of total workers.....			...	2.2	1.3	2.1	3.8	12.8	76.7	.9	

It will be seen that while 77 per cent. of the persons recorded worked a full week, the rest lost time sufficient to make the average for all a little over five and a half days. Reasons for absences are not recorded, so we do not know if they were due to illness or to celebrations. Nearly 1,000 female employees lost a day or more. On the other hand, fifty men and two women worked an extra day, or were credited with that much overtime. Engineers and mechanics very often make repairs on Sunday. In some cases employees do cleaning or watch the completion of some process on the Sabbath. In one establishment a man was registered as a candy-maker for six days and as a watchman on the seventh.

HOURS.

Practically all factories run from 50 to 60 hours a week, allowing the legal 54 hours for women and for boys under 18 years, and 48 hours for children under 16. A few plants, however, frankly admit to exceeding these limits for young persons and female workers. In the busy season men are often kept an hour or two at night three times a week or every day.

The usual daily hours are 10 for men, 9 for women and 8 for children. Most firms (38 out of 56 reported) allow one short day a week. This varies from 5 hours to 8 or 9. In the majority of cases, 30 minutes is given for lunch. In only 16 places is an hour allowed for women and children. In 19 factories lateness is fined at varying rates — a half-hour's pay for tardiness of 5 or 10 minutes being specified in 5 cases.

The hours actually worked in the week selected for taking wage payments, are here shown for factory workers in 57 plants.

In many cases the hours were obtainable only by consulting the slips or sheets from the time clock. In few places was entry made of hours for piece workers. (Table XI.)

TABLE XI — HOURS PER WEEK.

NUMBER AND PERCENT OF FACTORY WORKERS BY AGE AND SEX.

	AGES.									
	14–15.		16–17.		18 AND OVER.		TOTALS		PER CENT. OF	
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	All males.	All females.
Totals	13	219	74	1,013	2,152	2,865	2,239	4,097	100	100
HOURS.										
48 and under	11	192	18	298	156	655	185	1,145	8.3	27.9
Over 48 inc. 54	1	27	23	694	257	2,134	281	2,855	12.5	69.6
Over 54 inc. 60	1	....	25	7	1,216	48	1,242	55	55.4	1.3
Over 60 inc. 66	....	....	3	13	277	7	280	20	12.5	.5
Over 66 inc. 72	....	....	4	1	195	21	199	22	8.9	.5
Over 72	....	....	1	....	51	....	52	....	2.3	....

It will be noted that according to these entries during one week, 76 women and 21 girls worked more hours than allowed by law; 29 children exceeded 48 hours, and 34 males under 18 years went over the 54-hour limit. The following table shows the actual amount of overtime. In computing this, the full time for men according to the usage of the factory was taken as a basis for counting extra hours for males over 18; for women and minors, the limit fixed by law was used. These facts were noted in 53 plants employing 4,232 persons, about equally divided as to sex. (Table XII.)

TABLE XII — PERSONS WORKING OVERTIME.

NUMBER AND PERCENT OF FACTORY WORKERS NOTED.

	Total persons.	HOURS OVERTIME.											
		— 1 hr.	1	2	3	4	5	6	7–9	10–12	13–15	16–18	19 +
Male	628	31	64	83	33	31	71	35	98	121	43	7	11
Female	61	....	11	33	3	....	1	6	4	3	....	....	....
Both	689	31	75	116	36	31	72	41	102	124	43	7	11
Per cent. of all	100.0	4.5	10.9	16.8	5.2	4.5	10.4	5.9	14.8	18.0	6.2	1.0	1.6

From these figures we calculate that nearly 4,400 hours overtime was worked in one week by the persons noted. The men averaged about 6.5 hours; the women rather less than half that number (3.1 hours). This time is ordinarily paid for at the usual rate.

Obviously there are more hours lost than worked overtime during the course of a year. The changing seasonal demand for candy and the perishable character of the finer confections explain some fluctuations in working time. Moreover, during the hot months it is difficult to manipulate sticky masses of melted sugar. A few factories run only part time in the summer.

Seasonal Fluctuations.

The yearly rise and fall of the local confectionery trade is plotted on the accompanying chart. It shows that for the 45 firms in the confectionery industry that were in operation throughout the year considered, the maximum number of employees, in the middle of November, 1912, was over 8,500. The minimum number employed, in the first part of July, 1913, was about 6,300. The annual displacement of workers amounted, therefore, to nearly 26 per cent. of the full quota. (See Chart E.)

As for wage payments, shown on the chart by the dotted lines, the difference week by week was much greater, as is also true of the extreme fluctuations. The maximum amount paid as wages in any one week occurred during the middle of December, 1912, $70,000, and the minimum during the first week of January, 1913, $45,000, or a drop of 36 per cent.

The chart also shows very strikingly the drops in wages paid during weeks that include a holiday. Thus, in the fall of 1912, there are instances of decreases of total wages even while the total number of employees is increasing. There is a drop in the total wages paid for the fifth week, owing to Columbus Day, generally observed by Italian workers who form an important element in the personnel of the industry; a sharper drop for the ninth week, owing to Election Day; and a very large decrease for the twelfth week, which includes Thanksgiving Day, which is taken advantage of by many workers to rest until the following Monday. The largest reduction both in number of employees and in wages paid occurs during the Christmas season. Decoration Day, in the

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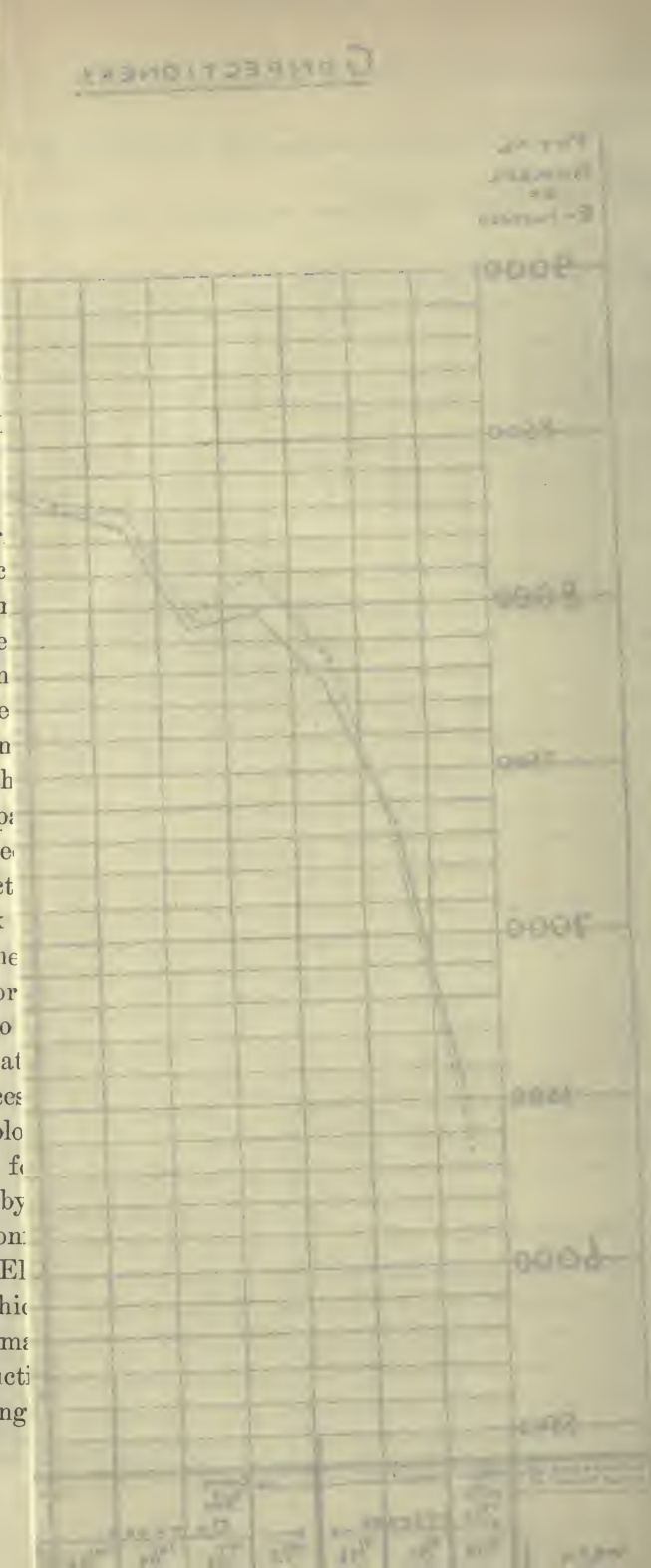


thirty-eighth week; July 4th, in the forty-third week; and Labor Day, in the 52nd week, of the calendar year charted, all show appreciable decreases in wage payments, even though the total number of employees remains the same or is actually increasing.

Shifting.

The fluctuation of the confectionery trade at once suggests the query as to steadiness of employment. Many persons work during the busy season only, and comparatively few remain the entire year. The data on which the following table is based, show that of 3,138 workers appearing on the payrolls of 10 establishments within a year, only 629, or 20 per cent., had been in the employ of the firms for more than 10 months. Only 530 (16.9 per cent.) had been steadily employed from 49 to 52 weeks. Sixty per cent. were engaged 3 months only, and more than 40 per cent. less than 5 weeks. (Table XIII and Plate F.)

TABLE XIII.

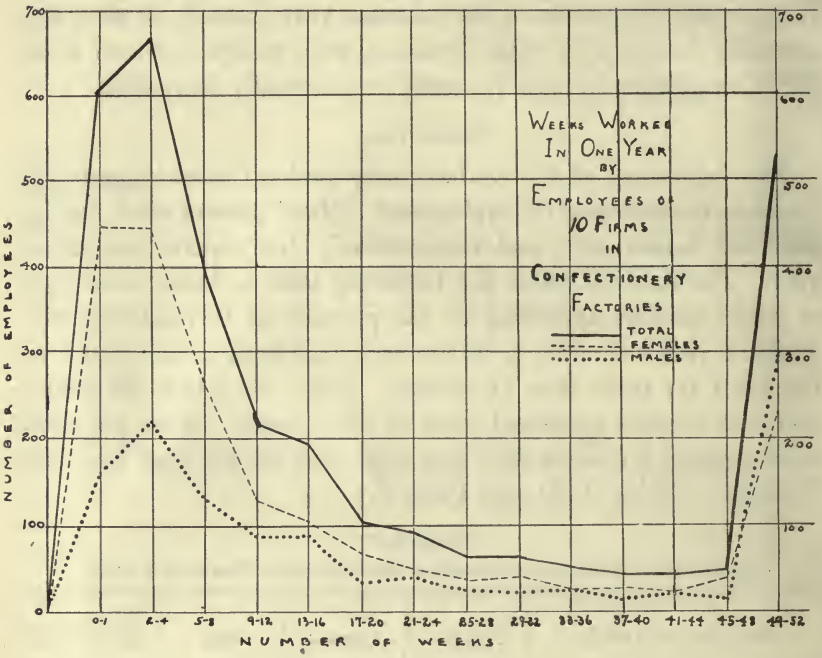
Number and Per Cent. of Employees Working Given Weeks in a Year.

WEEKS WORKED.	Males.	Females.	Both.	Cumulative per cent. of all
0-1	160	447	607	19.4
2-4	220	447	667	40.7
5-8	133	267	400	53.5
9-12	88	131	219	60.5
13-16	88	105	193	66.6
17-20	36	69	105	69.9
21-24	38	55	93	72.9
25-28	26	38	64	74.9
29-32	22	42	64	76.9
33-36	26	27	53	78.6
37-40	15	29	44	80.0
41-44	22	23	45	81.4
45-48	14	40	54	83.1
49-52	294	236	530	100.
Totals	1,182	1,956	3,138	100.

A similar analysis for factory workers only, shows them to be slightly more temporary than the foregoing data indicate. Girls are more numerous and less permanent in tenure than men. Voluntary vacations play a very small part in the year's employment, since most factories don't give them to ordinary shop hands.

The factories from which these records were taken ordinarily employ from 719 to 1,390 people according to season. The average forces amount to about 953. The extent and rapidity of the shifting is therefore at once apparent.

PLATE F.



ANNUAL EARNINGS.

For those who had worked steadily, the earnings for every week during a year were tabulated. The records in many establishments did not admit of tracing the entire working force for a period of 12 months. In the cases of 12 firms this was possible, and from payrolls including 1,528 factory hands employed at the time of the investigation, 571 persons were selected who had worked for a period of at least 10 months, during the preceding year. Their actual annual earnings for this period varied from below $200 to over $1,600. The men centered at about $550; the women between $300 and $350. (Table XIV.)

CONFECTIONERY.

TABLE XIV. TOTAL ANNUAL EARNINGS BY OCCUPATION AND SEX.

NUMBER AND PERCENT. OF FACTORY WORKERS RECEIVING GIVEN AMOUNTS.

	FOREMEN AND FOREWOMEN		CANDY MAKERS	MACHINE OPERATORS	HAND DIPPERS	PACKERS AND WRAPPERS		HELPERS		LABORERS		TOTAL		CUMULATIVE PERCENT OF	
	MALE	FEMALE	MALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	ALL MALES	ALL FEMALES
TOTAL	25	25	41	18	94	4	214	81	44	18	7	187	384	100	100
EARNINGS															
UNDER $200							6		5				11		2.9
200 – 249							52		11		1		64		19.5
250 – 299					5		67		17		1		90		43.
300 – 349		2			13		36	8	7			8	58	4.3	58.1
350 – 399		1	2		15		37	11	3	1	1	14	57	11.8	72.9
400 – 449		4	2	1	15		11	14	1	2		19	31	21.9	81.
450 – 499		5	2	1	23	1		14		2		20	28	32.6	88.3
500 – 549		3	1	3	17		4	12		7	4	23	28	44.9	95.6
550 – 599		1	6	2	5	1		11		1		21	6	56.1	97.1
600 – 649		2	1	2	1	1		8		2		14	3	63.6	97.9
650 – 699	1	1	5	4		1		3		2		16	1	72.2	98.2
700 – 749	1	2	7	3								11	2	78.1	98.7
750 – 799	2		2									4		80.2	
800 – 899	1	2	7	1			1					9	3	85.	99.5
900 – 999	4	1	2	1						1		8	1	89.8	99.7
1000–1099	5											5		92.	
1100–1199	1	1	2									3	1	93.6	100.
1200–1299	1		1									2		94.7	
1300–1399	4											4		96.8	
1400–1499	2		1									3		98.4	
1500–1799	3											3		100.	

Upon this basis, the median weekly income for men would be about $11, and slightly above $6 for women. (Table XV.)

CONFECTIONERY.

TABLE XV. AVERAGE WEEKLY EARNINGS BY OCCUPATION AND SEX.

NUMBER AND PERCENT. OF FACTORY WORKERS.

	FOREMEN AND FOREWOMEN		CANDY MAKERS	MACHINE OPERATORS	HAND DIPPERS	PACKERS AND WRAPPERS		HELPERS		LABORERS		TOTAL		CUMULATIVE PERCENT. OF	
	MALE	FEMALE	MALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	ALL MALES	ALL FEMALES
TOTAL	25	25	41	18	94	4	214	81	44	18	7	187	384	100.	100.
EARNINGS # UNDER 3.															
3. – 3.49									1				1		.3
3.50 – 3.99							4		1				5		1.6
4. – 4.49							19		10		1		30		9.4
4.50 – 4.99					2		39		8				49		22.1
5. – 5.49					3		28		6		1		38		32.
5.50 – 5.99					12		30		10				52		45.6
6. – 6.49					5		32	2	4			2	41	1.1	56.3
6.50 – 6.99		2			7		12	6	1		1	6	23	4.3	62.2
7. – 7.49		1			7		23	5	2			5	33	7.	70.3
7.50 – 7.99		1	2		8		17	4			1	6	27	10.2	77.9
8. – 8.99		4	3	1	25	1	5	16		4		25	34	23.5	86.7
9. – 9.99		5	1	2	19			17	1	3	1	23	26	35.3	93.5
10. – 10.99		2	3	1	4		4	14		5	2	23	12	48.1	96.6
11. – 11.99		1	5	5	2	1		7		1		19	3	58.3	97.4
12. – 12.99		1	3	1		2		8		4		18	1	67.9	97.7
13. – 13.99	2	2	6	4				1				13	2	74.9	98.2
14. – 14.99		2	1	2								3	2	76.5	98.7
15. – 15.99	2	2	7					1				10	2	81.3	99.2
16. – 17.99	3		6	2			1					11	1	87.7	99.5
18. – 19.99	4	1								1		5	1	90.4	99.7
20. – 24.99	5	1	3									8	1	94.7	100.
30. – 34.99	4		1									5		97.3	
35. – 39.99	5											5		100.	
40. AND OVER															

Comparing these figures with the actual earnings of persons in the same establishments during a week in October, 1913, we find that the annual averages are somewhat higher. It must be remembered, however, that the persons on the payrolls for a year are the better employees whose skill or steadiness has led the firms to retain them. The proportion of foremen, candymakers and better paid operatives taken is, therefore, much higher than their usual quota in the establishments. Their average would naturally be above those of their fellows who were soon replaced. The totals are, accordingly, about 11 per cent. above the general level of income, without allowing for time lost by those not steadily em-

ployed. Moreover, the level of wages in the establishments taken was slightly higher than that in the trade as a whole.

It is important here to note that annual wages for these same persons, when calculated as 52 times their average weekly earnings, range about $50 below their income when computed as 52 times their last rate of payment. But we have just remarked that these are the steadier and better paid employees. It is, therefore, manifestly unfair to estimate the income of employees from rates quoted for steady workers.

Experience.

Table XVI shows the correlation between age and experience for both sexes. Evidently most males work pretty steadily, from the age when the law allows. The women, too, are wage-earners until about 30, when domestic cares doubtless claim the energies of most. They then rapidly withdraw, until, after middle age, incapacity on the part of the principal wage-earner or other family necessity sends some back into industry, for perhaps 10 years longer. Then they rapidly drop out.

Experience in the confectionery industry follows the same general course, save that the time in this trade is shorter — roughly, half the working years — showing conclusively that many of the older workers had been engaged in other lines before taking up their present occupation. A similar statement applies to time with the firm where found. Most seasoned confectionery workers had had about half their experience elsewhere. (Table XVI.)

TABLE XVI — YEARS EXPERIENCE (MEDIANS) BY AGE.

ALL EMPLOYEES.

AGE GROUPS.	AT WORK.				IN TRADE.				WITH FIRM.			
	MALE.		FEMALE.		MALE.		FEMALE.		MALE.		FEMALE.	
	Years.	Months.	Years.	Months.	Years.	Months.	Years.	Months.	Years.	Months.	Years.	Months.
14–15	1	.....	.....	8	.....	11	.....	7	.....	9	.....	7
16–17	2	1	1	8	.....	9	.....	10	.....	8	.....	9
18–20	3	11	3	9	1	1	2	1	.....	10	1	5
21–24	7	7	6	11	2	6	4	4	1	4	2	8
25–29	11	11	10	6	4	5	6	2	2	.....	3	6
30–34	16	10	13	4	6	5	6	3	3	.....	2	8
35–39	21	9	14	.....	8	2	5	6	4	2	2	8
40–44	26	5	9	9	12	3	3	5	5	5	2	4
45–54	32	11	5	9	14	3	3	.....	5	.....	1	7
55–64	41	2	12	6	23	6	3	2	8	.....	2	.....
Over 65	45+	.....	1*	.....	27	6	1*	.....	15	.....	1*	.....

* Only 5 women 65 years of age or over. Such instances too few and scattering to have much statistical weight.

Segregating the data for factory workers included in this table reveals the fact that their industrial experience is somewhat briefer than that shown for all employees. But since some shifting between departments is not impossible, it has been deemed best to show the tendency of the industry as a whole.

Length of time in the trade or with the firm also has a bearing upon earnings. Ordinarily we should expect those who had been in the business for several years to be more valuable workers than newcomers. And their usefulness would normally increase until advancing age slackens their energy. The following tables and graph show the number of persons enumerated according to years of experience in confectionery and with the firm where found. They also show the wage above and below which half the people in each year group are distributed. (See Tables XVII, XVIII and Plate G.)

Confectionery.

Table XVII. Earnings and Trade Experience.

Number and Percent. of all employees by years in trade, and median weekly earnings.

Years of Experience	Male			Females		
	Number	Cumulative Percent.	Median Earnings.	Number	Cumulative Percent.	Median Earnings
Less than 1	851	23.9	$ 7.60	1835	37.4	$ 4.78
1	387	34.8	9.20	744	52.6	5.71
2	276	42.5	9.47	554	63.9	6.24
3	245	49.4	10.57	424	72.6	6.64
4	206	55.2	11.27	275	78.2	7.37
5	161	59.7	11.50	172	81.7	7.71
6	140	63.7	12.38	152	84.8	8.13
7	143	67.7	13.21	124	87.3	8.46
8	124	71.2	12.67	132	90.	8.50
9	86	73.6	14.82	64	91.3	8.50
10-14	347	83.3	15.04	248	96.4	8.84
15-19	153	87.6	17.00	104	98.5	9.94
20-24	191	93.1	16.66	50	99.6	11.25
25-29	97	95.9	16.33	16	99.9	8.50
30-34	76	98.	19.82	4	99.9	6.18
35-44	50	99.4	16.50	5	100.	7.75
45 and over	22	100.	15.60			
Total	3561			4903		

CONFECTIONERY.

TABLE XVIII. EARNINGS AND TERM OF EMPLOYMENT.

NUMBER AND PERCENT. OF ALL EMPLOYEES BY YEARS WITH FIRM, AND MEDIAN WEEKLY EARNINGS.

YEARS WITH FIRM	MALES			FEMALES		
	NUMBER	CUMULATIVE PERCENT.	MEDIAN EARNINGS	NUMBER	CUMULATIVE PERCENT.	MEDIAN EARNINGS
LESS THAN 1	1285	35.5	$ 8.13	2310	46.4	$ 5.43
1	487	49.	9.94	817	62.8	5.92
2	317	57.7	10.95	512	73.1	6.97
3	264	65.	11.95	377	80.6	7.30
4	180	70.	12.64	229	85.2	7.74
5	165	74.5	12.63	139	88.	8.29
6	130	78.1	13.60	110	90.2	8.33
7	109	81.1	13.94	101	92.3	8.67
8	103	84.	13.57	84	94.	8.76
9	67	85.8	15.44	52	95.	8.82
10–14	238	92.4	15.67	168	98.4	8.78
15–19	96	95.1	16.57	44	99.3	9.86
20–24	104	97.9	16.50	24	99.7	11.33
25–29	40	99.	19.00	7	99.9	8.50
30–34	23	99.7	18.57	2	99.9	6.50
35–44	9	99.9	25.00	2	100.	10.00
45 AND OVER	1	100.	22.50			
TOTAL	3618			4978		

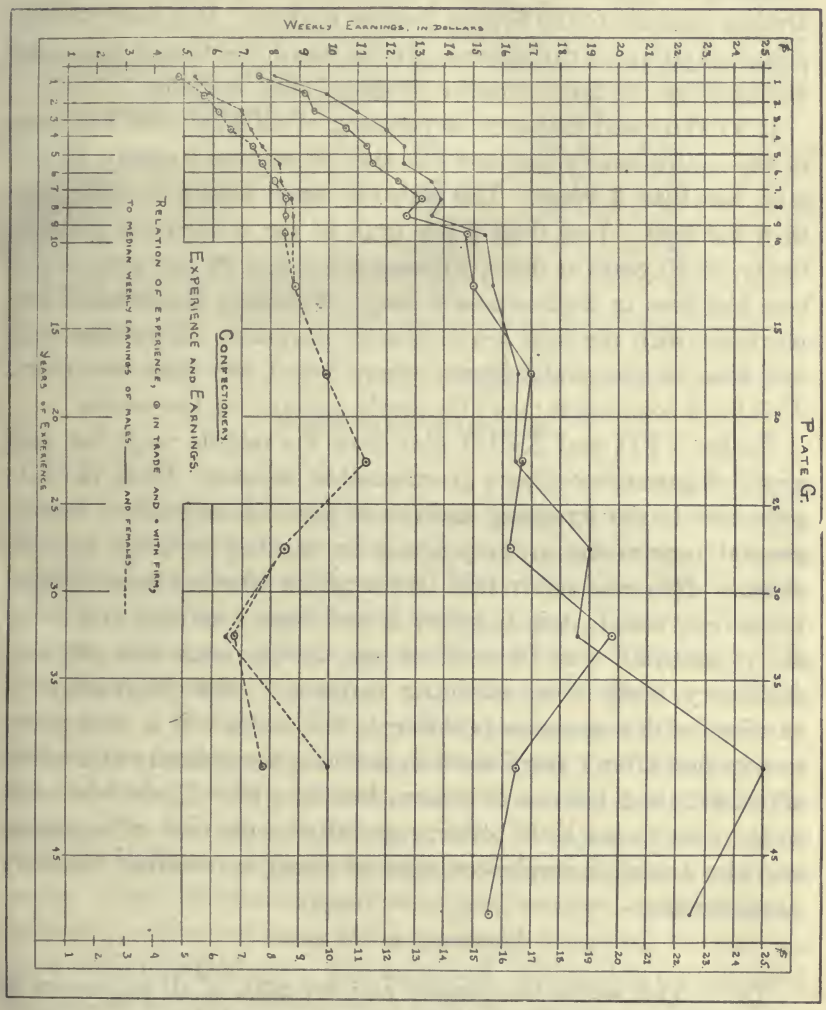


Plate G.
Weekly Earnings, in Dollars
Confectionery
Experience and Earnings.
Relation of Experience, @ in trade and • with firm,
to median weekly earnings of males —— and females ------
Years of Experience

Here again the earnings of the majority of factory workers fall slightly below those given for the trade as a whole. For instance, half the men do not get $11 until they have been 6 years in the business, nor $15 until after 20 years. Also old male employees are less valuable to the firm as factory workers. But these are the principal points of divergence. In the main, the figures presented are fixed by the large number of shop hands included.

It will be noted that over 30 per cent. of all employees had been in the confectionery business less than a year, and nearly 55 per cent. less than 3 years. The girls are much briefer in their stay than the men. Less than 9 per cent. of the women had been in the trade 10 years or more, whereas more than 26 per cent. of the men had been in the business so long. Naturally the terms of employment with the firm are of shorter duration. More than half had been in the establishment where found less than two years. This brief connection may also partly account for low wages.

Tables XVII and XVIII also show the middle wage for each group of persons working a given number of years. From the data presented in the foregoing analysis of age and experience, certain general conclusions as to progress in earning capacity may be drawn. It is reasonably sure that a person who has been engaged for seven years in this industry is no longer a minor; and he or she is probably over 30 years of age, having come into the confectionery trade after attaining majority. The progression of earnings with experience is shown in the tables. It is interesting to note that after 7 years' work in this line, the ordinary man earns about $13, and the run of women less than $9. Those who stick to the firm fare a little better, especially in the case of beginners and also a few old employees, some of whom are retained virtually as pensioners.

Advance in Wages.

Table XIX shows the number and per cent. of all employees in four factories, whose rate of pay was increased during a year. It will be seen that over a sixth received an advance — the men more often than the women in proportion to their respective numbers. The usual amount for both was 50c or $1 a week. The firms considered are wholesale manufacturers in Brooklyn and Manhattan. (Table XIX.)

TABLE XIX — RAISED IN ONE YEAR.

Number and Percent of All Employees in Four Factories, with Amount of Advance by Sex.

	Males.	Females.	Both.	Per cent. of all.
Total employed	626	820	1,446	100.
Amount of Raise.				
No raise	509	688	1,197	82.8
$.25–$.49	4	11	15	1.
.50– .99	33	75	108	7.5
1.00–1.49	39	32	71	4.9
1.50–1.99	11	3	14	— 1.
2.00–2.99	13	6	19	1.3
3.00–3.99	9	4	13	.9
4.00–4.99	2	0	2	.....
5.00–5.99	5	1	6	.4
6.00–6.99	1	0	1	.....
Total raised	117	132	249	17.2

Wages and Marriage.

It is to be expected that married people will require higher wages to support their families than single persons need. Our figures show that both married and single people range from one end of the wage scale to the other. Naturally, those who are married are older, and profit by maturity. Again, those who have to support others are apt to be steady workers. Accordingly, we find the representative married man somewhat higher in the wage scale than a bachelor. Taking all employees in the industry together, the former earns between $12 and $13; the latter between $9 and $10. Factory workers receive from 50c to $1 less. For women the difference is not so great. It appears that in their case the deftness of youth outweighs the experience of years, as shown below. Widows appear to be good workers — of necessity, perhaps; while widowers are apparently beginning to feel the slackening effects of age. The wage here indicated is that received by persons midway between high and low extremes. (Table XX.)

TABLE XX — MEDIAN WAGE BY CONJUGAL CONDITION.

	MALES.		FEMALES.	
	All employees.	Factory workers.	All employees.	Factory workers.
Single	$9.16	$8.63	$5.96	$5.83
Married	12.93	11.70	5.81	5.73
Widowed	12.20	11.50	6.02	6.00

EARNINGS AND NATIVITY.

As before remarked, immigrants tend to fill in the less skilled occupations in the confectionery trade. Therefore, as a rule, they receive lower wages. Taking the industry as a whole, native male employees center about $13 and foreign males at somewhat over $10. Half the native females earn over $6, whereas less than half the foreign born women reach that level. Considering only factory workers, we find that the native-born are still slightly above the foreigners for each sex. It must be remembered, however, that there are comparatively few native adult men and many native girls engaged in manufacturing processes. The discrepancy in earnings is therefore greater than it appears, because of different proportions as to age and sex.

WAGE-EARNING WOMEN.

Reasonably complete personal data were secured from 55 women and girls in 11 candy factories, through personal interviews conducted at the plant or in the worker's home. This number is too few to be made the basis of satisfactory tables, but furnishes some good typical instances. It is proposed to bring together returns from all the trades considered, for a subsequent study on standards of living.

The women selected from the confectionery trade represent various age groups and occupations. The most usual wage was $6. Nineteen were classed as self-supporting; thirteen were assisted by friends or relatives; and fourteen helped support others. The rest were doubtful. Thirty-six women from whom information as to residence was obtained, lived at home, seven with relatives, seven

in furnished rooms and two were the financial heads and sole supports of their families.

Most of those who live at home turn in their wages, and receive in addition to board and laundry, small amounts for lunches, carfare and amusements. As a rule there is another wage-earner who helps support the family. A total income of $24 a week for five persons is a representative figure.

The cost of board with relatives varies greatly. From $2 to $3 a week for Italian girls is about the usual level. Those who live in furnished rooms pay from $1.50 to $2 a week for part use. Food costs $2 to $3.

Beside these items, nearly half the women report carfares averaging 60 cents a week and more than half spend from 60 cents to 90 cents on lunches. Laundry is done at home, and clothes cost $50 to $60 a year. A few also pay small insurance dues.

Herewith is presented a summary weekly budget for the typical self-supporting girl worker:

Expenses.		Receipts.	
Half of a furnished room	$1.50	Wages	$6.00
Breakfast and dinner	2.10	Less expenses	5.90
Lunches	.70		
Carfare	.60	Balance	$ .10
Clothes at $52 a year	1.00		
	$5.90		

Now 10 cents is a narrow margin on which to insure medical care, recreation, membership fees and other incidentals. It is obvious that on this basis a self-supporting and self-respecting girl can save nothing. She is therefore in a precarious situation should the seasonal fluctuation throw her out of work.

Men Workers.

The histories of 34 male workers in a chocolate mill were also taken. Practically all of these are Italians, many of whom work on construction in the summer, and eke out a living in this way during the winter months when digging is impossible. Most of

these men receive from $5 to $8 per week, and some of them try to support a wife and children on this amount. Needless to say, expenses at times exceed receipts.

EDUCATION.

It must be admitted that very few confectionery workers have had more than an elementary school education. Most of them left to go to work at 14 years of age. The returns upon this point are few and scattering. But it may be also noted that employers as a rule do not require anything except the most rudimentary training. There is little chance of advancement except along narrow lines, and therein speed and dexterity count most. General intelligence would seem to be shown by leaving these blind alley occupations, rather than by remaining in them.

STATUS OF THE TRADE.

In conclusion it may be stated that the confectionery trade is one that is capable of earning large profits for the entrepreneur. The rapid growth of the industry within recent years is ample proof of this. A wholesale merchant asserted that his candy taken together did not cost more than 12 1-2 cents a pound; and although profits were stated to be less than 1-2 cent a pound, it was admitted that the annual output was several million pounds.

Of total costs, labor is a comparatively small proportion. The XIII Census gives 13 per cent. as the share for wages. The principal expense is for materials. Only in the higher grades of goods is skilled manipulation essential.

The general tendency in the industry has been for women to oust men, and for machines to displace both. As the mechanical improvements increase, boys are taking the places of girls in many lines and foreigners are pressing in. The cheapening of the process has cut wages, while the influx of immigrants has prevented organization and has kept rates down.

The following summary from the last Federal Census indicates the development of the confectionery industry in the United States during the last six decades. It furnishes a suitable conclusion for this section of the report.

	Number of establishments.	Wage earners (average number).	Wages.	Cost of materials.	Value of products.	Value added by manufacture.
1909.....	1,944	44,638	$15,615,388	$81,150,773	$134,795,913	$53,645,140
1904.....	1,348	36,239	11,699,257	48,810,342	87,087,253	38,276,911
*1899.....	962	26,866	8,020,453	35,354,208	60,643,946	25,289,738
1889.....	2,921	21,724	7,783,007	31,116,629	55,997,101	24,880,472
1879.....	1,450	9,801	3,242,852	17,125,775	25,637,033	8,511,258
1869.....	949	5,825	2,091,826	8,703,560	15,922,643	7,219,083
1859.....	541	2,340	688,423	2,990,186	5,361,100	2,370,914
1849.....	383	1,733	458,904	1,691,824	3,040,671	1,348,847

* Small shops no longer counted.

According to these returns, the wage-earners have been multiplied 26 times; the wages paid 34 times; the value added in manufacture 40 times; the value of the product 48 times; and elsewhere it is reported that the capital involved has increased 68 fold. The question now arises whether the workers are receiving their share in this growing industry.

An adequate answer to this question would require a more detailed analysis of better cost and financial accounts than we have been able to obtain. Most manufacturers do not keep records showing the efficiency of factory workers or the value of the product at various stages of completion. An employee is "worth" as much as he can get according to the general level of the labor market. How much he actually earns by adding through his labor, value to the product, is not known.

As to net profits, we are unable to report, because manufacturers objected seriously to revealing complete financial accounts. It is generally agreed, however, that the selling price of sweets is well above their cost, the materials being the principal item of expense. The rapid turnover of capital and its remarkable increase as shown by the Census figures quoted above, indicate that the business is not unprofitable.

APPENDIX II

REPORT OF THE DIRECTOR OF INVESTIGATION

ON THE

PAPER BOX INDUSTRY IN NEW YORK CITY.

THE PAPER BOX INDUSTRY IN GREATER NEW YORK.

Every time you crumple and throw a paper box into the waste basket you are encouraging industry, but wasting money. It has become so commonplace for articles of every sort to be enclosed in a neat and attractive pasteboard package, that we scarcely think of the ingenuity and expense involved. Like paper and string, we expect cartons to be used and then discarded.

Extent.— An important industry has been developed upon this constant demand for fresh, light containers. According to the Federal Census of 1910, there were about 950 factories in the United States, employing nearly 40,000 persons and turning out more than $54,000,000 worth of these goods a year. Of this amount, New York State produced over a quarter, and New York City over a sixth.

FANCY AND PAPER BOX MANUFACTURE, XIII CENSUS.

	United States.	New York State.	New York City.
Number of establishments	949	315	211
Average number of wage earners	39,514	11,538	7,210
Total annual wages	$14,015,000	$4,261,000	$2,849,000
Cost of materials	25,716,000	5,962,000	3,916,000
Capital invested	35,475,000	8,072,000	4,601,000
Value of product	54,450,000	14,234,000	9,450,000

Growth.— Federal statistics for this industry were first shown separately in the census for 1849. At that time there were enumerated only 82 establishments, employing 718 persons. Work was originally done by hand, scissors and paste being the principal equipment. The growing demand for cheap packages more than doubled the trade each decade until 1890. Machinery was introduced, and costs as well as output increased rapidly. Many establishments now make boxes for their own goods, and these supplementary plants are not included in the census.

Employees.— In 1912, the Industrial Directory for New York State reported over 15,000 persons employed in the manufacture of paper boxes and tubes. Nearly two-thirds of these workers were girls and women. New York City had about 6,000 of them, as shown below:

	New York State.	New York City.
Number of factories	380	257
Office force	545	354
Shop men, 16 + years	5,469	3,776
Shop boys, 14 to 15 years	122	53
Shop women, 16 + years	9,159	5,676
Shop girls, 14 to 15 years	527	224
Total employees	15,822	10,083

Organization of Trade.— In Greater New York the paper box trade is represented by two associations, which include seventy of the older established firms, employing altogether about 4,000 people. The Carton Club comprises the Gentile element and the Paper Box Manufacturers' Association is composed of Hebrews. Both organizations are interested in the general welfare of the business, especially on the personal and credit sides.

Union.— This two-fold division among both employers and employees runs throughout the trade. The great mass of workers are unorganized, but in the Hebrew shops there is a struggling union. The various foreign elements do not seem to be able to get together, however. The fact that two-thirds of the workers are girls and women, and that most of these stay in the trade but a few years, also checks the movement.

Supply of Working Force.— The most usual reply as to the supply of workers was that dependence was placed on ads. in the daily papers and on signs hung on the doors. Some factories keep such signs permanently. A common practice is to encourage employees to bring their friends, especially box-makers from other factories. There seems to be an utter lack of utilization of the established employment agencies, only one firm reporting that it made inquiries of the Y. M. C. A. and Y. W. C. A. for help. There is general complaint that the factories compete excessively for employees, especially during the busy season, and that they

resort to unfair methods in taking workers away from one another. One employer, who has a systematic method of training beginners, was especially bitter at his colleagues who made it difficult for him to keep people he had trained.

Training.— The employers interviewed were quite agreed that little could be accomplished by way of preparation for the trade by courses in the schools. With scarcely any exception manufacturers complained of the difficulty of obtaining efficient help, yet could not suggest anything along the line of improving capacity. Employers, as a rule, do not regard paper box making as a trade requiring marked intelligence. No educational standards have been set by any employer and there seems to be an opinion that because of the monotony and dirtiness of much of the work the task of retaining better educated employees would be more difficult than at present.

Physique.— Except in the factories making the largest sizes of boxes, there is little in the work of box-making that manifestly calls for much physical exertion. In several factories deaf-mutes were found at work, and in two others they had been employed at various times in the past. In every instance they were giving complete satisfaction, both on machine and hand work.

Character of Shops.— For this investigation 191 factories located in four boroughs of the city were considered. They varied in size from a shop employing six persons to one with 320 hands. These comprise three-quarters of all shops listed by the Labor Department. Naturally the character of such places differs widely. Some of the small concerns were located in dingy basements and old loft buildings, where working conditions were very bad from lack of proper light and ventilation. Other factories are in modern new plants.

Personnel.

Our agents investigated the wages of 9,105 persons employed in all branches of the paper box industry. Nearly two-thirds of these are women and girls, and about a half of all are minors. Considering factory workers alone, females comprise over 71 per cent. of the hands. The proportion in each age group for the entire trade is shown in Table I.

TABLE I — SEX AND AGE.

NUMBER AND PERCENT OF ALL EMPLOYEES IN EACH GROUP.

	TOTAL.		MALE.		FEMALE.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Total	9,105	100.	3,188	35.	5,917	65.
AGE GROUPS.						
14–15	464	5.1	80	.9	384	4.2
16–17	1,654	18.2	304	3.3	1,350	14.8
18–20	2,407	26.5	574	6.3	1,833	20.1
21–24	1,750	19.2	644	7.1	1,106	12.2
25–29	1,035	11.4	533	5.9	502	5.5
30–34	594	6.5	340	3.7	254	2.8
35–39	446	4.9	250	2.7	196	2.2
40–44	290	3.2	158	1.7	132	1.5
45–54	325	3.6	211	2.3	114	1.3
55–64	103	1.1	73	.8	30	.3
65 +	10	.1	9	.1	1	...
Not given	27	.3	12	.1	15	.2

About three-eights of all employees were born abroad, and many more had foreign parents. The proportion of foreigners is slightly higher among the factory hands. As the following table shows, Russians lead in numbers. English-speaking immigrants are not largely represented in the trade. The Jewish element predominates. (Table II.)

TABLE II — NATIVITY.

ALL EMPLOYEES.

	Males.	Females.	Both.	Per cent. of all.
Total	3,188	5,917	9,105	100.
Native	1,373	4,302	5,675	62.4
Foreign	1,801	1,596	3,397	37.3
Russia	819	851	1,670	18.4
Italy	534	221	755	8.3
Austria	114	198	312	3.4
Germany	123	60	183	2.
Ireland	28	68	96	1.1
England	27	56	83	.9
Roumania	25	29	54	.6
Hungary	19	16	35	.4
Scotland	13	18	31	.3
Poland	10	15	25	.3
Turkey	23	2	25	.3
Greece	17	2	19	.2
Canada	3	14	17	.2
France	3	10	13	.1
West Indies	7	3	10	.1
Sweden	7	3	10	.1
Norway	2	7	9	.1
Galicia	1	8	9	.1
South America	7	1	8	.1
Other foreign	19	14	33	.4
Not given	14	19	33	.4

Young women of native birth constitute the largest group in the industry. On the other hand, foreign men outnumber native adult males three to two. Among factory workers the excess of women and of foreign males is still greater. The following table presents numbers and per cents. for all children, young persons and adults in the trade according to nativity and sex. (Table III.)

TABLE III — NATIVITY BY SEX AND AGE GROUPS.
NUMBER AND PERCENTAGES OF ALL EMPLOYEES.

		TOTALS.		AGE GROUPS.							
				14–15.		16–20.		OVER 21.		NOT GIVEN.	
		Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Totals...	Male...	3,188	35.	80	.9	878	9.6	2,218	24.4	12	.1
	Female	5,917	65.	384	4.2	3,183	35.	2,335	25.7	15	.2
Native..	Male...	1,373	15.1	64	.7	434	4.8	875	9.6	.....	.....
	Female	4,302	47.3	325	3.6	2,219	24.4	1,752	19.3	6	.1
Foreign..	Male...	1,801	19.8	16	.2	443	4.9	1,341	14.7	1	.....
	Female	1,596	17.5	59	.6	958	10.5	577	6.3	2	.....
Not given	Male	14	.2	.....	.....	1	.....	2	.....	11	.1
	Female	19	.2	.....	.....	6	.1	6	.1	7	.1

The next table shows the number and per cent. of all employees divided by sex according to marital condition. Here again we note the large number of single persons, especially of women. As stated in connection with the confectionery industry, this unusual proportion of unmarried persons is due to the preponderance of young women. But that nearly 90 per cent. of all girls and women in this trade are single, appears remarkable when we compare this figure with recent census returns. In 1910, only 36 per cent. of all females over 15 in New York City were unmarried. The special Federal report on Women at Work gave 65 per cent. of all female breadwinners over 16 as single. Our exhibit shows the local paper box industry as a great field for matrimonial prospecting. Seriously, many girls regard marriage as the only way out of the monotony of the work. (Table IV.)

TABLE IV — CONJUGAL CONDITION.
NUMBER AND PERCENT OF ALL EMPLOYEES.

	TOTAL.		SINGLE.		MARRIED.		WIDOWED OR DIVORCED.		NOT GIVEN.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Males	3,188	35.	1,852	20.4	1,256	13.8	44	.5	36	.4
Females	5,917	65.	5,277	58.	397	4.4	231	2.5	12	.1
Both	9,105	100.	7,129	78.3	1,653	18.2	275	3.	48	.5

OCCUPATIONS.

The following table shows the main divisions of the industry according to the general character of the work performed:

	Male.	Female.
Paper box making	2,218	5,514
Supplementary operations (printing, etc.)	213	242
Shipping and delivery	403	15
Plant help	271	5
Office	83	141
Total	3,188	5,917

We shall here consider primarily only those persons engaged directly in the making of boxes, leaving clerks, engineers, delivery men, etc., for separate sections of the report. Occasionally, however, we shall indicate the tendency of the trade as a whole, since factory workers constitute so large a proportion of the entire number, and because some shifting from one department to another is not impossible.

PAPER BOX MAKING.

The various kinds of boxes — large and small, round and square, solid and folding — require some specialization in manufacture. Certain fancy varieties are made almost entirely by hand; other standard shapes are turned out practically complete by machinery. The making of an ordinary shoe box may, however, serve to illustrate the essential processes. The cardboard is first cut into correct sizes for top and bottom, the corners are

next cut out and the flaps are scored so as to bend up and make the sides. These are then fastened together with glued tabs by a "corner staying" or "ending" machine. Making the pasteboard frame, so far, is usually men's work. Then girls turn the box on a block and wind around the sides a strip of pasted paper, which is turned over the edges by helpers. Others put on the top or bottom covering. The box is then practically completed, unless a lining or tapes are to be put in. After that, the lids are put on and the boxes are tied up or piled ready for storing or shipping.

The conditions under which these operations are performed naturally differ with the plant considered. Cutting is usually done by one or two competent men. But occasionally we find boys and even girls helping manipulate dangerous machinery. Corner staying and ending machines, as well as special mechanisms for punching, counter sinking, etc., are very generally run by young women. Many firms furnish safety devices to prevent crushed fingers; but frequently employees do not use the guards, because they hamper rapid manipulation. In the case of the shield for the staying machine, several workers reported that it increases the danger by presenting a wider surface to catch the hand.*

Most women machine operators and strippers sit at their work. Top labellers and table hands generally stand. The smell of glue is rather distasteful in a close room; and working clothes have to be changed or aprons worn in order to avoid smearing with paste. The pace in a busy factory is pretty fast, as many of the skilled operatives are on piece rates, and one process fits into the next.

We must now define more clearly what kind of persons perform the various lines of work. Cutting is a skilled men's trade, requiring some ability to figure out the dimensions required with as little waste as possible, and demanding care in the manipulation of dangerous machinery. Chopping out the corners, scoring, punching in rivets or eyelets, corner staying or ending, require less skill, but demand dexterity to insert and remove material quickly in operating the machines. Both young men and women operate punching and staying machines in the general process of

* For accidents, see p. 134.

setting up. The making and use of glue on heavy cardboard are also men's occupations, requiring some deftness and judgment. Covering the sides and tops of boxes with paper (stripping and top-labeling) as well as making and finishing finer boxes (table work) is generally a skilled trade for women, demanding dexterity and neatness. Girls begin by turning in for older hands who do stripping, and thus learn the latter operation. Closing and tying require only an eye for defects and dispatch in assembling parts. Floor work is simply fetching supplies and carrying away finished goods. There are also several miscellaneous or supplementary occupations, such as nailing wooden frames, printing and embossing labels, which need not concern us here. The following table shows the age and sex of persons engaged in the principal factory occupations. (Table V.)

Paper Boxes.

Table V. Occupation by Age and Sex.
Number and Percent of Factory Workers.

Totals / Age Groups	Foremen and Forewomen		Cutting		Glue Making	Setting Up		General Machine Work		Glue Table Work	Covering		Table Work		Closing and Tying		Floor Work		Total		Percent of	
	211		686		11	530		508		146	2495		2395		317		420		7719			
	Male	Female	Male	Female	Male	Male	Female	Male	Female	Male	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	All Males	All Females
	133	78	652	32	11	322	208	227	281	146	64	2431	306	2089	139	178	210	210	2212	5507	100	100
14-15			1	1		12	9	4	13	2	3	200	2	69	13	48	10	23	47	363	2.1	6.6
16-17		2	41	8		30	34	24	89	4	5	714	28	301	29	54	57	67	218	1269	9.9	23.
18-20	2	7	107	12		63	62	48	107	20	22	879	51	513	54	44	51	79	418	1703	18.9	30.9
21-24	18	13	127	4	3	90	72	55	46	30	15	429	80	416	22	18	24	23	464	1021	21.	18.5
25-29	31	19	115	3	2	71	26	38	16	38	7	142	57	241	9	6	13	5	381	458	17.2	8.3
30-34	20	13	80	1	2	38	3	18	5	16	3	46	35	156	5	4	18	6	235	234	10.6	4.2
35-39	19	10	63	1	3	13	1	15	4	18	3	9	17	154	3	2	12	3	166	184	7.5	3.3
40-44	20	9	40			2		11		7	5	7	14	109	1	1	8	1	108	127	4.9	2.3
45-54	22	2	56	2		3		7	1	7	1	3	18	98	2	1	11	1	127	108	5.7	2.
55-64	1		20		1			6		4		1	3	27			6	1	41	30	1.9	0.5
65+			2					1					1		1				5		0.2	
Not Given		3	2									1		5				1	2	10	0.1	0.2

In this and subsequent tables, cases incomplete or not recorded are not entered. This explains why totals do not always agree, and also shows the actual base for calculated percents. H.B.W.

As before stated, the great majority of women are engaged in covering and table work — the younger girls as turners-in, the older hands as table workers. The more experienced men run the heavy cutting machinery; the boys serve as their helpers or learn glue work by doing various tasks. There is no regular apprenticeship, but experience in helping cutters or coverers leads toward these more skilled occupations.

Native workers have the largest proportion in women's lines — covering and table work; foreigners tend rather to predominate in occupations filled by men — glue and machine work, and to unskilled tasks on the floor. This tendency has been remarked in the confectionery industry, where native girls and foreign men are working together in low skilled hand and machine industries. The accompanying table shows the distribution of 7,700 persons by percentages according to nativity and occupation. (Table VI.)

TABLE VI — OCCUPATION BY NATIVITY.

PER CENT. OF ALL FACTORY WORKERS.

	Native.	Foreign.	Both.
Total	61.6	38.4	100.
Foremen and women	1.9	.8	2.7
Cutting	4.4	4.5	8.9
Glue making	.....	.1	.1
Setting up	3.9	2.9	6.9
Machine work	3.8	2.8	6.6
Glue table	.3	1.6	1.9
Covering	22.9	9.4	32.4
Table work	19.1	11.9	3.1
Closing and tying	2.5	1.6	4.1
Floor work	2.6	2.8	5.4

RATES OF WAGES.

In few factories is there any exact record of the production for time workers. The weekly rates are therefore generally fixed by guesswork, and vary considerably within the same establishment without apparent reason. Neither is there often a systematic determination of piece rates, although in a few places some attempt has been made to standardize piece rates, or at least to get the employees to take an intelligent part in the process. Thus, one factory, whose product is to a large extent stable, varies its

piece rates according to the price it obtains for the product. In another factory, whose operation is very steady, but whose products vary greatly, new articles are given to three workers chosen as slow, ordinary, and speedy operators. Their production for a given time is averaged, and the piece rate is set on the basis of this average. This method seems to work very satisfactorily.

One undesirable feature found in a large number of factories is partnership and sub-contract work. In one factory more than one hundred employees had one or more helpers each, the latter being paid not directly by the firm, but by the "box maker," who received his gross pay on a piece basis. One reason assigned for the prevalence of this practice is the desire of employers to avoid the trouble of keeping the working force recruited up to the needed strength. By the device of paying one person for himself and his helpers, the total wage payment is often reduced, though apparently at the expense of the helpers; and in addition the firm is more assured of its product.

Of the 2,218 male factory workers, 339, or 15 per cent., were piece workers; while of the 5,514 women and girls, 2,087, or about 37 per cent., were on piece rates. These operatives include some of the most skilled hands, so we must first indicate typical rates in order to estimate the amount of work required to earn weekly the sums later to be considered. Naturally the rates vary widely according to the size and quality of the product. They also depend upon whether the box is built by hand or put together by specialized machinery. We shall here mention only a few figures for the principal operations to show the ordinary basis of wage payment. For this purpose we give the middle range of rates quoted in the factories investigated:

Operation.	Rate per hundred.
Setting up — corner staying, ending, etc.	5c.–15c.
General machine work	2c.–15c.
Stripping	6c.–25c.
Labeling, all kinds	5c.–10c.
Table work — putting in lace paper, tapes and general hand finishing	5c.–60c.
Closing and tying	2c.–5c.

The reader must be cautioned against taking these figures as giving the upper and lower limits for the payment of piece work. They merely represent typical rates obtained in several of the local plants. They also show that if a girl is getting 10 cents a hundred for covering boxes she must turn out 6,000 a week in order to make $6; that is, one about every 30 seconds for 54 hours. This figure gives some idea of the speed and deftness required.

Table VII shows the weekly rates quoted for 5,255 employees, classified according to the principal occupations in the trade. Summarizing the data briefly, we may state that $15 to $16 is the most common rate for men, due to the large number of cutters and machine operators. Six dollars is the figure most often quoted for all female employees. The majority of men and boys may hope to earn between $7 and $16; more than half the women and girls, between $5 and $9. Over half the male help is rated below $12 and the majority of females, under $6.50. (Table VII.)

More specifically, the run of foremen are hired for from $16 to $25; forewomen, from $10 to $12. Most male cutters receive from $10 to $18; women, $5 or $6. Men who do corner staying and ending usually ask from $8 to $15; women are to be had for similar work from $5 to $10. Male glue table workers ordinarily range from $10 to $14; most women table workers, who do pasting and finishing, from $5 to $10. Covering, i. e., stripping and labeling, which is a woman's trade requiring some skill, usually brings from $6 to $10. Turners-in, who are generally girls learning the trade, are quoted at from $4.50 to $6.50. Closing, tying and floor work ordinarily brings from $5 to $10 for males and from $4 to $7 for girls.

Paper Boxes

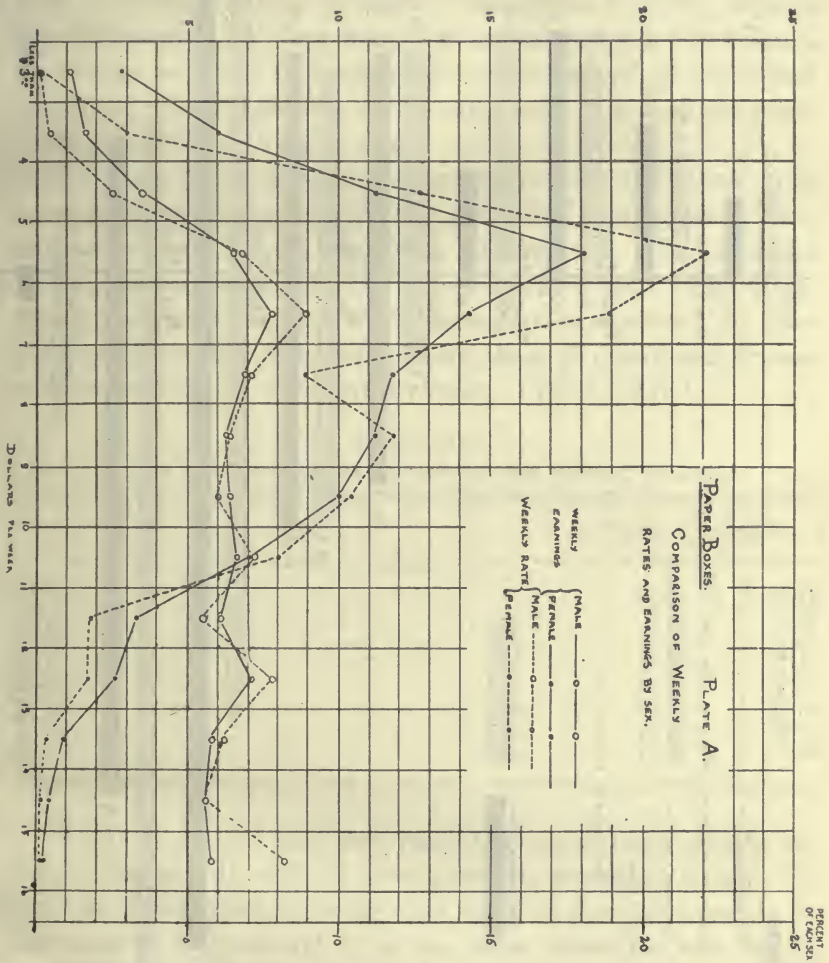
Table VII. Weekly Rates by Occupation

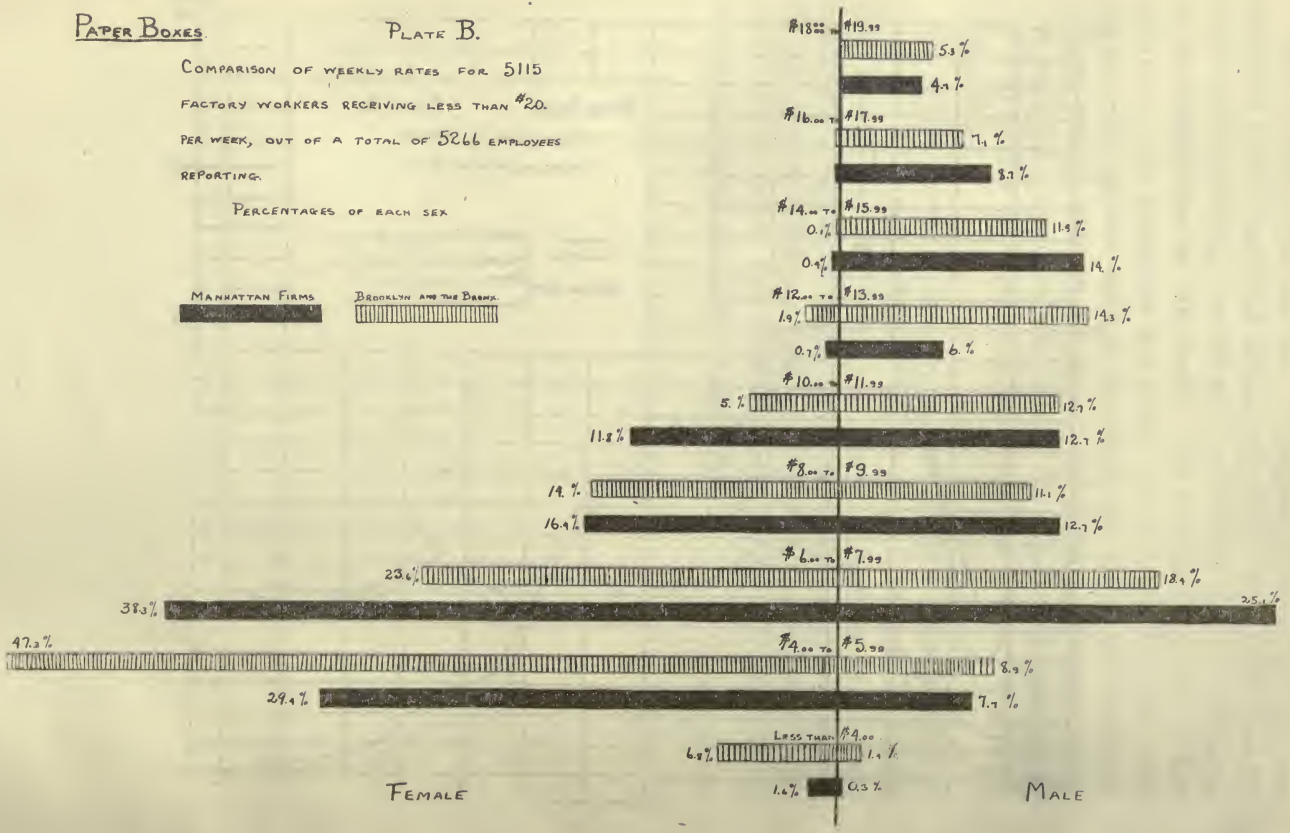
Number and Percent of Factory Workers by Sex.

Rate	Foremen and Forewomen		Cutting		Glue Making	Setting Up		General Machine Work		Glue Table Work	Covering Stripping & Labeling		Turners in	Table Work		Closing and Tying		Floor Work		Total		Cumulative Percent of	
	Male	Female	Male	Female	Male	Male	Female	Male	Female	Male	Male	Female	Female	Male	Female	Male	Female	Male	Female	Male	Female	All Males	All Females
Totals	205		608		11	441		366		139	1785			1089		220		391		5255			
	131	74	594	14	11	301	140	187	179	139	39	895	851	126	963	129	91	203	188	1860	3395	100	100.
Under 3.00													1		1		2	1		1	4	.1	.1
3.00 – 3.49							3					1	16	1	13		10	1	2	2	45	.2	1.4
3.50 – 3.99			1	1		1	7					3	24	1	10		6	4	6	7	57	.5	3.1
4.00 – 4.49			2			2	7		9	4	1	16	84	7	30	4	8	8	18	28	172	2.	8.2
4.50 – 4.99			1	1		7	12	1	7	1		11	114		77	2	9	5	26	17	257	3.	15.8
5.00 – 5.49			12	3		17	14	11	42	4	2	48	177	10	123	11	16	23	34	90	457	7.8	29.3
5.50 – 5.99				1		3	7	6	25		5	43	160	5	36	4	11	14	11	37	294	9.8	37.9
6.00 – 6.49		1	26	4		16	15	24	49	2	2	99	222	9	74	20	14	23	18	122	496	16.3	52.6
6.50 – 6.99		2	13			3	5	14	3	1	1	40	41	4	42	2		6	10	44	143	18.7	56.8
7.00 – 7.49		2	14	1	1	15	5	15	16	3	3	66	6	8	58	14	5	24	17	97	176	23.9	62.
7.50 – 7.99		3	13	1		2		6	9	1		61		3	42	2	1	7	9	34	126	25.8	65.7
8.00 – 8.99	1	3	29	1		11	16	17	8	5	4	159	4	12	175	23	8	17	27	119	401	32.2	77.5
9.00 – 9.99		4	30	1	2	10	9	12	5	6	3	167	1	11	156	21	1	18	7	113	351	38.2	87.9
10.00 – 10.99		17	30		2	13	20	27	3	10	1	138	1	17	83	12		22	2	134	264	45.4	95.9
11.00 – 11.99	1	9	25		4	9	8	16		9	8	28		8	23	8		13		101	68	50.9	97.7
12.00 – 12.99	3	18	46		1	20	7	23	3	25	5	13		14	16	3		6		146	57	58.7	99.4
13.00 – 13.99	3	5	29			42	4	3		29	1	1		3	1	1		5		116	1	64.9	99.7
14.00 – 14.99	3	4	36			42		3		16	1			3	1					104	5	70.5	99.8
15.00 – 15.99	3	2	58		1	56	1	4		17	1	1		7	2	1		3		151	6	78.7	99.9
16.00 – 17.99	17	3	103			27		1		6				1		1		1	1	157	4	87.1	99.9+
18.00 – 19.99	13		68			3		4			1			1						90		91.9	
20.00 – 24.99	48	1	52			2								1				1		104	1	97.5	100
25.00 – 29.99	20		6																	26		98.9	
30.00 – 34.99	13																	1		14		99.7	
35.00 – 39.99	6																			6		100.	

Plate A. shows the per cent. of wage-earners of each sex who receive a given number of dollars per week. It is plain that $5 or $6 is the prevailing rate for girls and women, since 41 per cent. of all females are at this level. The sudden drop beyond this figure is to be accounted for partly by the fact that the more skilled piece workers begin at just about this point, and for many of them weekly rates are not given. The difference between males and females is shown at both ends of the curves. Comparatively few boys get the very low rates; no women get the very high ones. (Plate A.)

As before remarked these rates vary greatly according to the character of the work. In the confectionery industry we noted the difference between Manhattan and Brooklyn factories in the same general lines. The accompanying graph shows a similar variation for the paper box trade. Location is evidently an important factor when time in transit and carfare to work have to be reckoned in calculating weekly earnings. (Plate B.)


Paper Boxes.
Plate A.
Comparison of Weekly
Rates and Earnings by Sex.
Weekly Earnings
Male
Female
Weekly Rate
Male
Female
Dollars per week
Percent of each sex


PAPER BOXES.
PLATE B.
COMPARISON OF WEEKLY RATES FOR 5115 FACTORY WORKERS RECEIVING LESS THAN $20. PER WEEK, OUT OF A TOTAL OF 5266 EMPLOYEES REPORTING.
PERCENTAGES OF EACH SEX
MANHATTAN FIRMS
BROOKLYN AND THE BRONX
$18.00 TO $19.99
5.3 %
4.1 %
$16.00 TO $17.99
7.1 %
8.1 %
$14.00 TO $15.99
0.1%
11.9 %
0.4%
14. %
$12.00 TO $13.99
1.9%
14.3 %
0.7%
6. %
$10.00 TO $11.99
5. %
12.7 %
11.8 %
12.7 %
$8.00 TO $9.99
19. %
11.1 %
16.9 %
12.7 %
$6.00 TO $7.99
23.6%
18.9 %
38.3%
25.1 %
47.3 %
$4.00 TO $5.99
8.9 %
29.9 %
7.7 %
LESS THAN $4.00
6.8%
1.1 %
1.6%
0.3 %
FEMALE
MALE

But even within the same immediate locality there are wide divergences in rates paid for similar work. For instance, one Brooklyn factory pays its cutters $10-$15; another $15-$20. The product in both instances is of the same class. These discrepancies are found throughout the trade. Sometimes steadiness of work, type of management or character of employees will help explain the differences. In other cases they appear to be due to relative knowledge and skill in bargaining on the part of employer and employee. Even those who do the same work in a shop are sometimes on a different scale of wages.

Difference in age sometimes accounts for such variations. The accompanying graph shows the rise and fall of earning power with advancing years for all employees. (Plate C.) The appended table gives the same data for factory workers only. The divergences are noteworthy only in the case of men workers. In their vigorous years, the rates range above those of clerks and drivers who are included in the plotted curves. (Table VIII.)

TABLE VIII.

Median Weekly Rates by Age and Sex for Factory Workers.

Age.	Males.	Females.
14–15	$5.02	$4.64
16–17	6.14	5.46
18–20	8.33	6.82
21–24	12.39	8.44
25–29	14.80	9.19
30–34	15.08	9.24
35–39	15.13	9.43
40–44	15.75	9.39
45–54	15.33	9.12
55–64	12.62	9.25
65 +	13.00	7.25

It will be noticed that men reach the top of their earning capacity between 40 and 45 years; women somewhat sooner. It must be remembered, however, that many of those who remain in the trade so long are apt to be the better operatives who find it profitable to use acquired skill. In general we may say that the majority of boys and girls under 18 are hired for less than $5.50 a week; most women operatives over 18 fall below $9; and the majority of adult male factory workers are rated under $13.

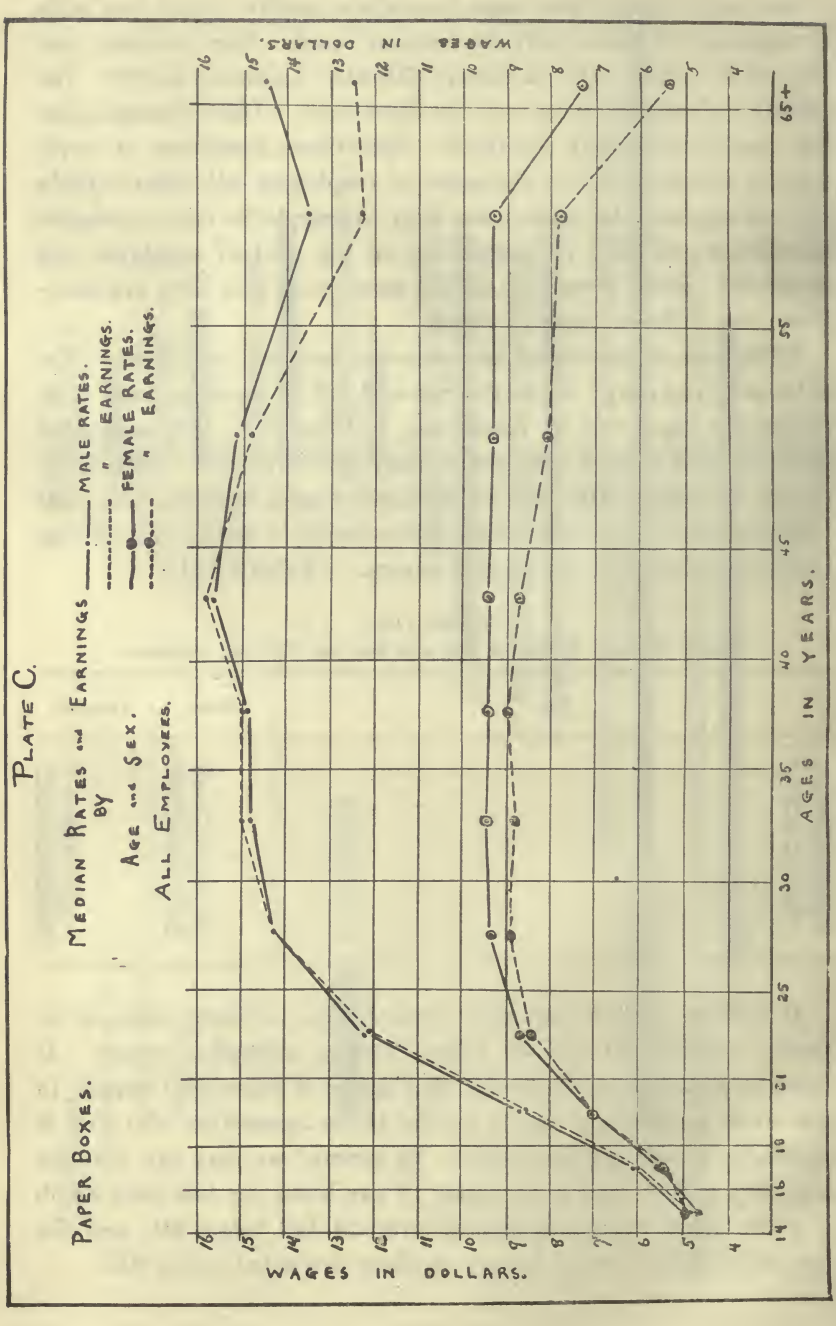


PLATE C.
PAPER BOXES.
MEDIAN RATES and EARNINGS BY AGE and SEX.
ALL EMPLOYEES.
MALE RATES.
" EARNINGS.
FEMALE RATES.
" EARNINGS.
WAGES IN DOLLARS.
AGES IN YEARS.
14 16 18 21 25 30 35 40 45 55 65+
4 5 6 7 8 9 10 11 12 13 14 15 16

Actual Earnings.

Plates A and C indicate the relation between weekly rates and actual earnings. The latter were secured in the manner already indicated, for all employees during a week in November, 1913. This was at a season when the industry had recovered from the summer depression and was again busy with the briskness preceding the Christmas holidays. Table IX shows in detail the earnings of factory employees according to occupation and sex. (See Table IX.)

A comparison of these data with those presented in Table VII shows that rates quoted are as a rule above earnings received. This is brought out very well in Plate C (uage 124) where the curve showing weekly rates is above that showing weekly earnings at practically every point save for men between 30 and 45 years of age. Plate A (page 121) also shows that the percentage of male and female workers receiving low earnings is greater than those for whom such rates are quoted. But it must be remembered that some of the best operatives are on piece work, and for them no weekly rate, but only earnings are given. This element among women workers brings the percentage of those earning more than $6 above the proportion of all women whose weekly rate is higher than this figure, for the simple reason that more than 1,200 women earning above $6 have no regular weekly rate. On the other hand some of the highest paid workers, as foremen and cutters, are on a weekly wage.

About 2,000 women, or more than half of all over 18 years of age in the shops, earned less than $8 for a week's work. More than 700 girls under 18, or 44 per cent. of those below this age, earned less than $5. More than 300 men operatives, or over 20 per cent. of the adult males, earned less than $10 in a week. Nearly half of all male minors received less than $7.

Days Worked.

For both time and piece workers, the time made establishes the weekly earnings. Table X shows the days worked in a week by 6,189 factory hands.

PAPER BOXES

TABLE IX WEEKLY EARNINGS BY OCCUPATION

NUMBER AND PERCENT OF FACTORY WORKERS BY SEX

Earnings	Foremen and Forewomen		Cutting		Glue Making	Setting Up		General Machine Work		Glue Table Work	Covering Stripping & Labeling		Turners In	Table Work		Closing and Tying		Floor Work		Total		Cumulative Percent of	
Totals	208		683		11	527		505		146	2493			2382		316		367		7638		
	Male	Female	Male	Female	Male	Male	Female	Male	Female	Male	Male	Female	Female	Male	Female	Male	Female	Male	Female	Male	Female	All Males	All Females
	130	78	651	32	11	321	206	225	280	146	64	1554	875	306	2076	139	177	201	166	2194	5444	100	100
Under 3.00			3	1		3	9	5	5			13	43	4	47	3	16	6	20	24	154	1.1	2.8
3.00 – 3.49			4	1			8	2	5	1		8	52	5	46	2	21	6	11	20	152	2..	5.6
3.50 – 3.99			3			2	4	2	6			24	54	2	63	1	9	6	12	16	172	2.7	8.9
4.00 – 4.49		1	6			3	10	3	22	7	1	37	97	6	101	7	13	7	22	40	303	4.5	14.3
4.50 – 4.99			4	3		10	12	6	26		1	44	123	5	118	3	14	6	22	35	362	6.2	20.
5.00 – 5.49			10	3		13	16	9	44	3	2	79	179	8	155	14	21	25	19	84	516	10.	30.5
5.50 – 5.99			9	4		6	9	15	36	1	6	80	132	8	124	5	23	9	5	59	415	12.7	38.1
6.00 – 6.49			21	3		16	17	24	45	2	3	127	134	10	139	18	15	18	14	112	499	17.8	47.2
6.50 – 6.99		3	19			8	5	10	20	4	1	91	33	6	112	4	7	8	9	60	290	24.5	52.4
7.00 – 7.49		3	20	4	1	12	14	10	22	4	3	127	20	17	144	7	6	17	12	91	352	29.7	58.8
7.50 – 7.99		1	17	1		5	9	9	12	1	3	117	1	9	135	7	11	7	8	58	295	27.6	64.2
8.00 – 8.99	2	4	24	2		12	25	13	18	7	16	233	4	23	311	24	8	17	4	138	609	33.7	75.4
9.00 – 9.99	1	5	34	5	2	13	16	22	10	8	6	227	2	22	268	18	7	15	3	141	543	40.1	85.4
10.00 – 10.99		16	35	3	1	14	24	22	1	11	2	171	1	29	188	11		19	4	144	378	46.7	92.4
11.00 – 11.99	1	9	38	2	4	18	9	17	4	10	9	78		21	77	5	2	12		135	181	52.8	95.7
12.00 – 12.99	1	17	43		1	20	10	25	9	21	5	57		27	50	6	2	6		155	140	59.9	98.3
13.00 – 13.99	4	6	30		1	36	8	9		25	2	23		13	11	2		5		127	48	65.7	99.2
14.00 – 14.99	2	7	35			38		10		15		8		17	10			5		122	25	71.3	99.6
15.00 – 15.99	3	1	52			39	1	3		15	1	6		12	2	1		2		128	10	77.1	99.8
16.00 – 17.99	14	4	102			38		5		9	1	4		19	2	1		3	1	192	11	85.9	99.9
18.00 – 19.99	14		77		1	11		3		2	1			15	2					124	2	91.6	99.94
20.00 – 24.99	47	1	59			4					1			21	1			1		133	2	97.6	100
25.00 – 29.99	21		6											5						32		99.1	
30.00 – 34.99	14							1										1		16		99.8	
35.00 – 39.99	6													2						8		100.	

TABLE X.

Days Worked in a Week.

	Total.		Number of Persons Working Given Number of Days.								Average days.
	Persons.	Days.	— 1	1	2	3	4	5	6	7	
Male	1,882	10,926	1	5	18	17	42	164	1,600	35	5.81
Female	4,307	24,501	2	20	42	72	163	562	3,405	41	5.69
Total	6,189	35,427	3	25	60	89	205	726	5,005	76	5.72
Per cent. of total workers				.4	1.	1.4	3.3	11.7	80.9	1.2	

It will be noted that while 85 per cent. of the males and 79 per cent. of the females worked a full week, nearly 18 per cent. of all operatives lost a day or more, and this in a busy season. It is true that Thanksgiving and Election Day fell within the weeks covered by this investigation, but payrolls including holidays were avoided whenever possible. It will also be remarked that 76 persons worked 7 days in a week. Women from 10 firms report Sunday work. This is pretty good evidence that trade was brisk. Only those who were engaged in making boxes are included in this enumeration.

Hours.

An attempt was made to ascertain the effect of the 54-hour law that has been a part of the labor code since October 1, 1912. That overtime has not ceased because of the legal prohibition has been made evident from the records of the firms, badly defective as they are in general regarding working hours. Little evidence could be obtained that there had been any general reduction of weekly rates as a direct result of the law. A more decided and widespread effect of the law has been the encouraging of the extension of piece work, and in some cases it has led to the further use of machinery in order to maintain the rate of production. There was agreement on the part of the manufacturers that the demand for many lines of paper boxes was so irregular and, worst of all, of an urgent nature, that it was difficult if not impossible to so organize a force, on the basis of weekly rates and fixed hours, as to work continuously and regularly.

Practically all factories run from 50 to 60 hours a week, centering at about 54 on account of the female help. Only one plant out of 187 ordinarily ran over 60 hours. But changes in the season cause wide variation from the regular schedule.

With few exceptions (3 in number), the usual working day for men is from 9 to 10 hours; for women, 8½ to 9½ hours; and for children, 8 hours. Out of 174 firms reporting, 115 gave a short day of from 7½ to 8½ hours to men employees, and 128 gave one of 7 or 8 hours to women. The other cases scatter mostly below these limits.

The ordinary lunch period in 135 plants is 30 minutes; in 24 it is 45 minutes; and in 23 it is an hour. Twenty plants give the hour period to workers under 16 years.

The number of persons working a given number of hours a week is shown in the following table. This includes 5,374 persons in 180 plants. For many piece workers the hours are not recorded. (See Table XI.)

TABLE XI — HOURS PER WEEK.

NUMBER AND PERCENT OF FACTORY WORKERS BY AGE AND SEX.

	AGES.									
	14–15.		16–17.		18 AND OVER.		TOTALS.		PER CENT. OF	
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	All males.	All females.
Totals	37	306	185	1,007	1,506	2,333	1,728	3,646	100.	100.
HOURS.										
48 and under	30	270	36	233	180	489	246	992	14.2	27.2
Over 48–54	4	29	86	700	461	1,660	551	2,389	41.8	65.5
Over 54–60	3	2	52	59	704	144	759	205	43.9	5.6
Over 60–66	.....	5	8	15	120	37	128	57	7.4	1.6
Over 66–72	.....	.....	3	.....	40	3	43	3	2.5	.1
Over 72	.....	.....	.....	.....	1	.....	1	.....	.1	.....

It will be seen that, according to these figures, 43 children (12½ per cent. of all those under 16), 63 youths (34 per cent. of all males 16 to 18) and 258 women and girls (7½ per cent. of all females over 16) worked more than the 48 or 54 hours allowed by law.

The actual number of hours overtime is shown in Table XII. To obtain these figures, the legal hours for women and minors and the regular hours for men were used. The data cover 169 plants employing 5,033 female and 1,902 male factory workers. (See Table XII.)

TABLE XII — PERSONS WORKING OVERTIME.
NUMBER AND PERCENT OF WORKERS NOTED.

	Total persons.	Hours Overtime.											
		— 1 hr.	1	2	3	4	5	6	7–9	10–12	13–15	16–18	19 +
Male.....	382	16	48	60	21	68	20	37	65	27	10	8	2
Female...	370	33	58	89	61	33	19	10	48	10	8	1	.....
Both.....	752	49	106	149	82	101	39	47	113	37	18	9	2
Per cent. of all...	100.	6.5	14.1	19.8	10.9	13.4	5.2	6.3	15.	4.9	2.4	1.2	.3

According to these figures, about 3,300 hours overtime were worked by 752 persons in one week. The males averaged over 5 hours a week; the females 3.6 hours.

Seasonal Fluctuations.

The busy season for the trade as a whole is the five months beginning about Labor Day. The two or three months preceeding are dull. As the workers are largely on a piece basis, there is no great difference in the number of employees, but the differences in earnings reflect trade conditions. The general practice is to retain as nearly as possible the full force during the slack season, in order to have the force ready not only when the busy season comes, but also for the spasmodic orders that may be obtained. Very few of the establishments make goods for stock. The cost and difficulty of handling and storage discourages even those who make staple lines from attempting to make goods ahead. In the busy season recourse is generally had to overtime work. During the year taken for this study there was practically no prosperous factory that did not to some extent work overtime. Some factories were in operation all the seven days of the week.

The accompanying chart shows the fluctuation in number of employees and total wages paid throughout a year. The solid curve for all employees, is plotted on a scale of 100 persons to every horizontal line, as shown on the left of the diagram. We probably cannot trust the data for the first and last few weeks, because of some lack of correspondence in all the payroll periods. (Plate D.)

Beginning in the middle of November, 1912, the number of employees rose to nearly 6,700; fell to 6,100 after Christmas; rose again to over 6,500 in March, 1913, went below 6,200 in the early summer; and finally climbed to more than 6,900 in the fall of last year. That is, twice during twelve months there was a displacement amounting to 5 or 10 per cent. of the employees, most of whom were the low-paid factory workers.

As this chart is a composite of many lines, we cannot explain all its variations. The demand for some goods, like boxes for standard brands of cigarettes, is remarkably steady. For other kinds, like holiday candy boxes, there is a seasonal market. Easter and the fall clothing trade each call for special supplies. The box business thus follows, or rather precedes, the high season for goods that are put up in pasteboard.

The dotted line, showing the total amount of wages paid all employees, is plotted on a scale 8.3 times that for the number of workers. The amounts in dollars are shown on the right. The striking feature of this curve is its great fluctuations with busy seasons and holidays. The weekly payroll went from $57,800 to $42,100 within 7 weeks; rose to $57,000 in 10 weeks more; fell again to $45,700 in 3 months; and finally climbed to $60,900 within the next 12 weeks.

Now these oscillations involving from $10,000 to $15,000 within a brief time, must seriously affect the weekly incomes of about 6,300 persons. The piece workers especially are well paid in a busy season, but fall far below their average at a slack time. For example, the average wage of all employees for the 3rd week was $8.66; for the 10th, it was $7.08, a difference of $1.58. In the 23rd week the average rose again to $8.76; fell off $1.35 in the next three months; and then rose again to $8.89. Obviously for a worker with an average wage of $8.30, a 10 or 15 per cent. reduction is no slight matter. It must make a standard of

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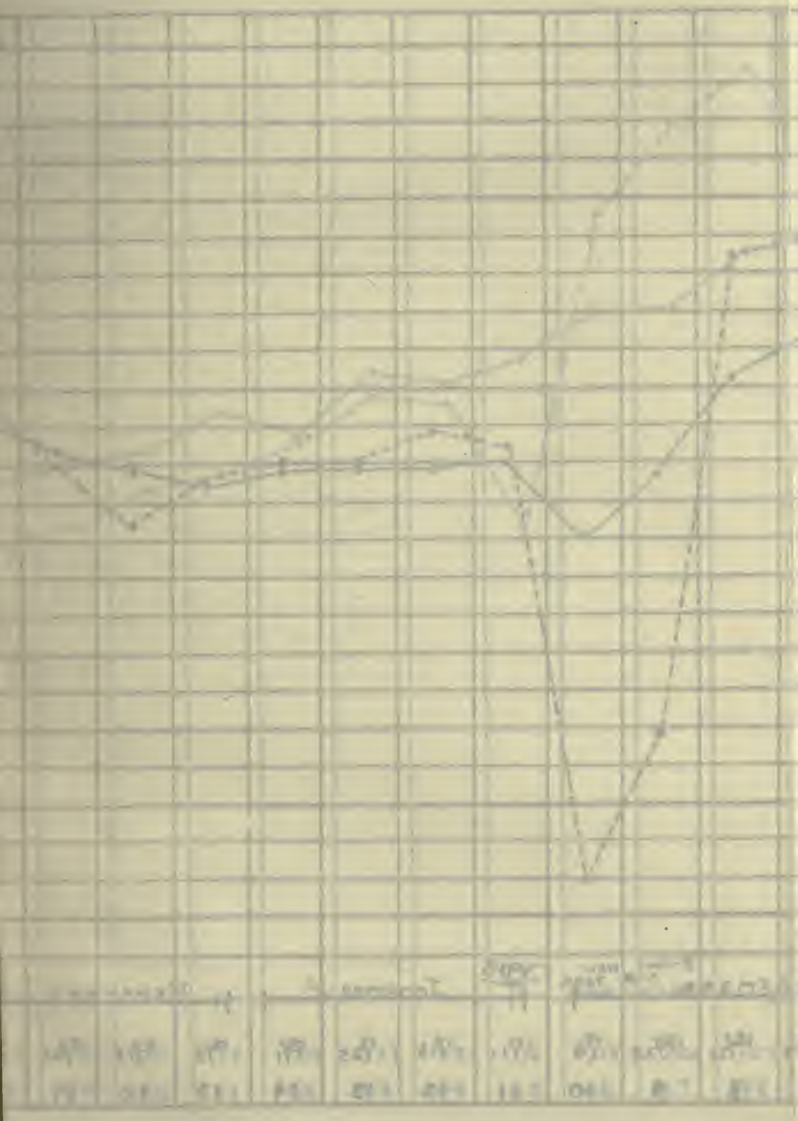

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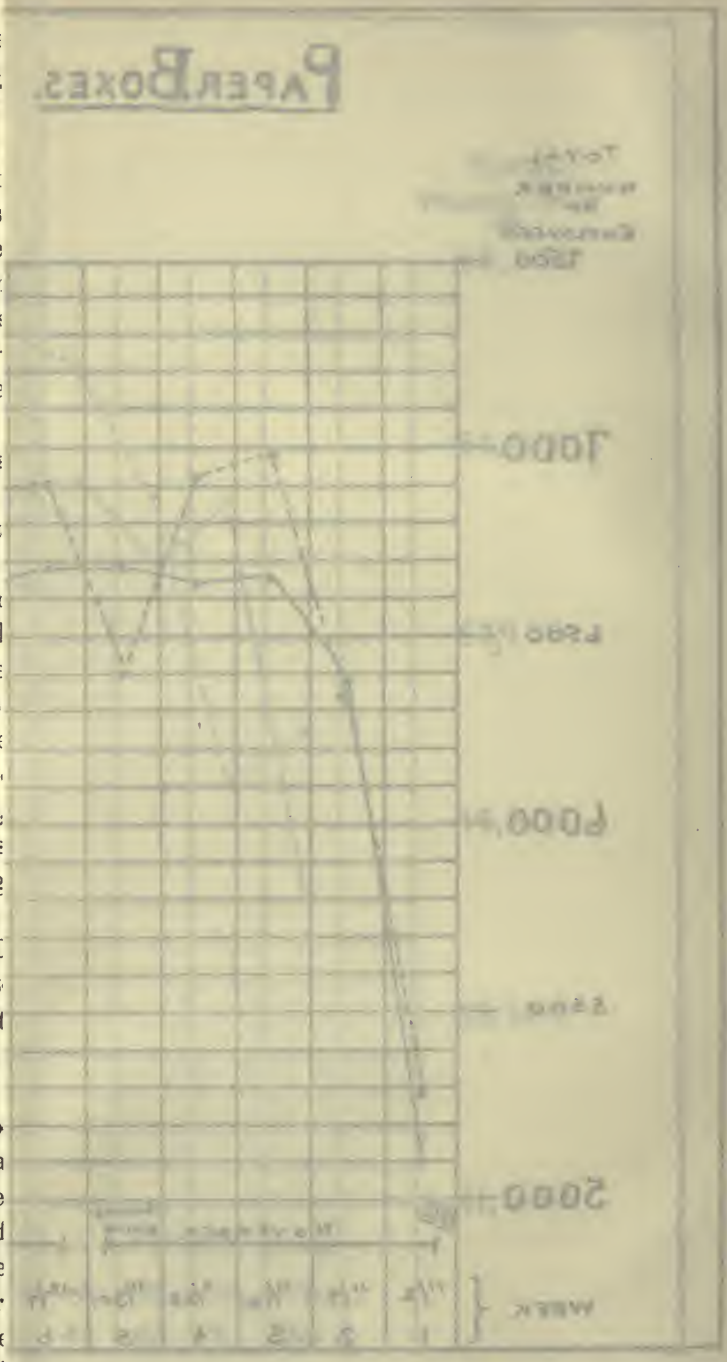


living either pretty simple or very elastic. For 194 women operatives questioned as to seasonal wages, $7.36 was found to be the average ordinary week's pay; but in rush season it was $8.13 and in dull periods $5.68. That is a variation from 10 per cent. above the usual earnings to 23 per cent. below.

Shifting.

The fluctuation of the box trade as a whole gives a very inadequate idea of the amount of shifting from one establishment to another. We were unable to follow all employees for an entire year within the industry, because of the enormous task of tracing names and addresses. The following table shows the length of time 2,295 persons stayed in 9 plants during 12 months. These places ordinarily employed about 792 hands. (See Table XIII.)

TABLE XIII.

Number and Per Cent. of Employees Working Specified Number of Weeks in One Year.

WEEKS WORKED.	Males.	Females.	Both.	Cumulative per cent. of all.
Less than 1	86	262	348	15.2
1–4	134	432	566	29.9
5–8	73	202	275	51.9
9–12	56	117	173	59.5
13–16	31	89	120	64.7
17–20	24	63	87	68.5
21–24	20	46	66	71.4
25–28	24	37	61	74.1
29–32	14	36	50	76.2
33–36	14	32	46	78.3
37–40	18	23	41	80.0
41–44	5	29	34	81.5
45–48	12	38	50	83.7
49–52	122	256	378	100.0
Totals	633	1,662	2,295	100.

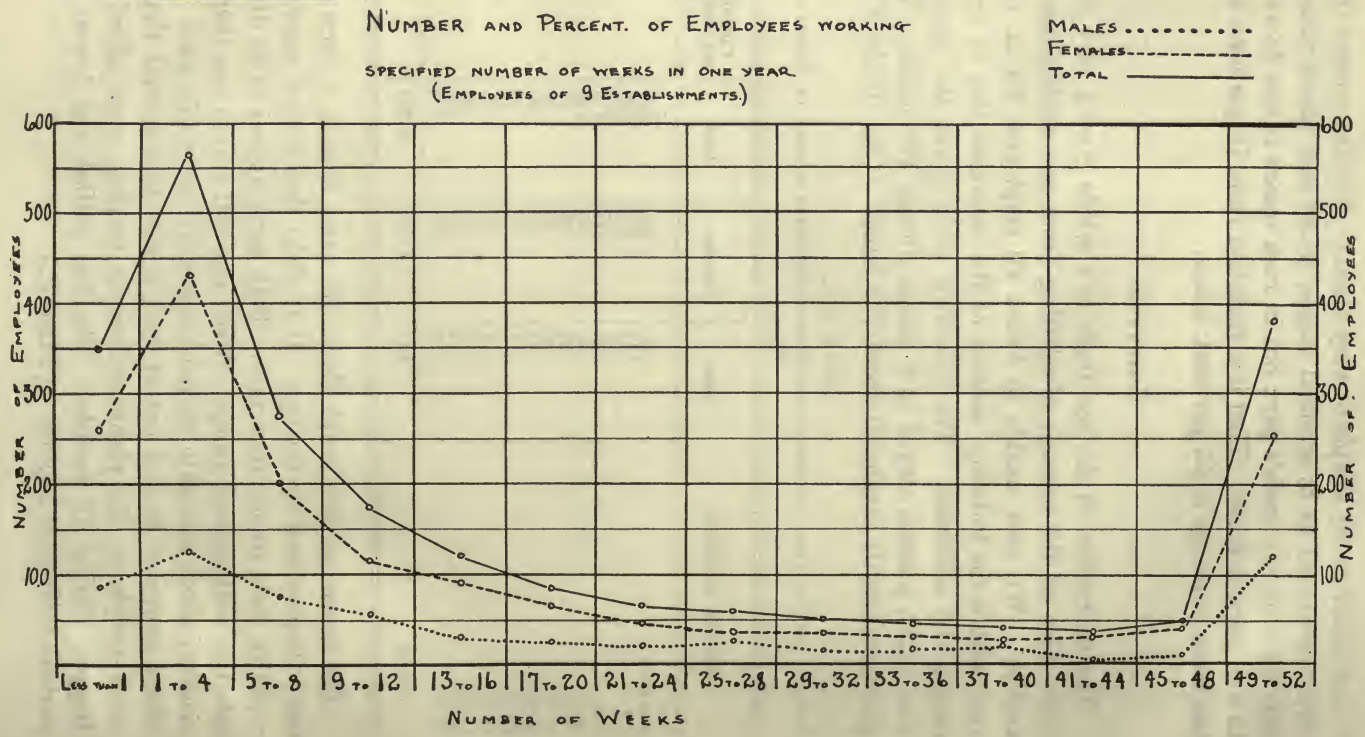
The accompanying graph shows the same data in a form more easily appreciated by the eye. It is plain that women were more rapid in their transit than men. Both sexes appear to be divided into two well-marked groups. About one-half stayed less than two months; about one-sixth stayed practically the whole year. The others straggled in and out at such a rate that several times as many people as the plants ordinarily employ, were added and dropped during 12 months. The less skilled and lowest paid workers shift most rapidly. (Plate E.)

PAPER BOXES.

PLATE E.

NUMBER AND PERCENT. OF EMPLOYEES WORKING

SPECIFIED NUMBER OF WEEKS IN ONE YEAR.
(EMPLOYEES OF 9 ESTABLISHMENTS.)



The rapid taking on and laying off of help is shown by the accompanying table which gives for the same 9 factories, the number of additions to the working force and subtractions therefrom during 12 months. (See Table XIV.)

TABLE XIV.

Additions and Subtractions in Working Force for a Year.

Firm.	Average number of employees.	Added in Year.		Dropped in Year.		Persons Counted More Than Once.	
		Male.	Female.	Male.	Female.	Male.	Female.
A	281	276	910	261	843	15	52
B	61	2	6	.....	....	.....	.....
C	43	4	13	7	14	.....	.....
D	11	12	24	14	25	2	2
E	186	57	143	58	150	1	11
F	68	7	38	8	37	.....	2
G	22	22	13	22	12	6	1
H	56	14	50	16	30	.....	3
I	64	20	46	23	51	3	.....
Totals	792	414	1,243	409	1,162	27	71
Per cent. of average force	100%	209%		198%		12%	

It will be seen from this table that more than twice as many persons flowed through the plant as were retained. That means in order to maintain an average working force of less than 800 persons, the services of more than 2,300 people were used, two-thirds of whom were only temporarily employed. Nearly 100 persons were taken on and laid off more than once during the year.

Time Lost.

This shifting and laying off entails loss of time between jobs for the floaters. But even the steady workers are affected by slack seasons, sickness and other reasons that cause them to stay out or change employers. Among 229 women operatives it was found that on the average nearly 5 weeks apiece had been lost during the previous year, in amounts varying from less than one day to ten months. Three weeks were accounted for by industrial reasons and two by personal causes. For the 115 who were out from slack work, 19 working days, or a little over 3 weeks, was the

average; and for the 54 altogether out of a job, 26 working days, or something over 4 weeks, was the average. Sickness in 92 cases aggregated 1,837 days loss.

Vacations with pay among the operatives are very rare. Thirty-three women out of 283 reported a week or two in the dull season. Holidays vary with the character of the establishment. Native firms keep most important legal days; Jewish workers observe their religious celebrations. It is plain from Plate D (page 130) that pay envelopes do not benefit from cessation of work, although tired bodies may.

Through the courtesy of Dr. Hatch, Chief Statistician of the Labor Department, we received a list of women injured in paper-box factories in Manhattan from Oct. 1, 1912, to Sept. 30, 1913. Out of a working force of 3,819 female employees, 69 cases were reported. Thirty-nine girls were from 17 to 19 years of age. Among the 36 for whom time lost was recorded, 115 full working days were sacrificed, in periods from less than one day up to 5 weeks. Over three days each was the average for all these. The effect of injury on wages was noted in 13 cases. In 7 of these there was no change in rate; in 2 there was an advance; and in 4, a reduction. For the 6 where change was recorded, the average result was a net loss of $1.12 each per week. For a young woman to begin her career disfigured and with her earning capacity reduced, is a greater hardship than can be represented in terms of weekly wages.

Annual Earnings.

With this understanding of trade conditions, we may now turn to the problem of annual earnings. It must be remembered that the time required to follow a great number of workers through 52 weeks was not at the disposal of the Commission; and if it had been, the books in many places did not permit it. Payrolls were sometimes kept in the boss' pocket memoranda. It will be clear from this remark that the places where adequate accounts are kept are generally the better plants, and usually pay a fair scale. Moreover, as has before been noted, the operatives who stay 10 months or more with the firm are, as a rule, the more skilled and reliable hands. So we may expect to find the annual earnings quoted above the general level for the trade.

Table XV shows annual earnings for 267 persons employed with 7 representative firms for more than 43 weeks during the previous 12 months. It will be noted that the numbers are not very large, especially in the low-skilled lines. We have also used percentages of numbers less than 100, which may appear statistically absurd, but which has its justification in making the comparison of proportional parts easy. (See Table XV.)

PAPER BOXES — TABLE XV. ANNUAL EARNINGS BY OCCUPATION

NUMBER AND PERCENT OF FACTORY WORKERS BY SEX

	Foremen and Forewomen		Cutting	Setting up		General Machine Work		Glue Table Work	Covering	Table Work	Closing and Tying		Floor Work		Totals		Cumulative Percent of	
Totals / Earnings	Male	Female	Male	Male	Female	Male	Female	Male	Female	Female	Male	Female	Male	Female	Male	Female	All Males	All Females
	7	3	21	6	11	2	1	3	90	112	4	1	5	1	48	219	100	100
Under $200					1				6	1	1	1			1	9	2.	4.1
200-249					3				13	4				1		21		13.7
250-299					1	1			22	15	2		1		4	38	10.4	31.1
300-349			1			1			11	22	1		1		4	33	18.8	46.1
350-399					2			1	16	27			1		2	45	22.9	66.7
400-449		1		1					13	17			1		2	31	27.	80.8
450-499				1					7	17			1		2	24	31.3	91.8
500-549		1			1				1	9						12		97.3
550-599		1	3		1		1		1						3	4	37.5	99.1
600-649			2	3	1			2							7	1	52.	99.5
650-699					1											1		100.
700-749			1	1											2		56.3	
750-799			5												5		66.7	
800-899	1		3												4		75.	
900-999			3												3		81.3	
1000-1099	3		3												6		93.8	
1100-1199																		
1200-1299	2														2		97.9	
1300-1399																		
1400-1499																		
1500-1599																		
1600-1799	1														1		100.	

The returns for males are scattering, centering below $350 for less skilled occupations, below $650 for ordinary machine operatives, and under $900 for cutters. For females, covering and table work outweigh all other occupations, and fix annual receipts for two-thirds of the women under $400.

Upon this basis, average earnings for weeks actually worked during the year are shown in Table XVI. According to this, over

half the males receive less than $13, and the majority of females under $7.50 a week. This is somewhat higher than earnings for the week taken in November, for the reasons given above. (See Table XVI.)

PAPER BOXES. TABLE XVI. AVERAGE WEEKLY EARNINGS BY OCCUPATION AND SEX.

NUMBER AND PERCENT OF FACTORY WORKERS.

	Foremen and Forewomen		Cutting		Setting up		General Machine Work		Glue Table Work		Covering, Strip-ping and Labeling	Turning in	Table Work	Closing and Tying		Floor Work		Total		Cumulative Percent of	
	Male	Female	Male		Male	Female	Male	Female	Male		Female	Female	Female	Male	Female	Male	Female	Male	Female	All Males	All Females
Earnings ↓ Total	7	3	21		6	11	2	1	3		70	20	112	4	1	5	1	48	219	100	100
Under $3.00														1				1		2.1	
$3.00–3.49						1						2	1		1				5		2.3
3.50–3.99											2	3							5		4.6
4.00–4.49						2					3	1	1						7		7.9
4.50–4.99						1					4	6	3				1		15		14.6
5.00–5.49						1					6	4	7	2		1		3	18	8.3	22.5
5.50–5.99							1				11	2	10					1	23	10.4	33.3
6.00–6.49			1				1				3	1	12					2	16	14.6	40.6
6.50–6.99											4		6	1		2		3	10	20.8	45.2
7.00–7.49						2					11		12						25		56.6
7.50–7.99											12	1	18						31		70.8
8.00–8.99					2						7		14			2		4	22	23.2	80.8
9.00–9.99		1							1		4		19					1	23	31.2	91.3
10.00–10.99		1				2					2		9						14		97.7
11.00–11.99			4		1			1	2		1							7	2	45.2	98.6
12.00–12.99		1	1		2	2												3	3	52.1	100.0
13.00–13.99					1													1		54.2	
14.00–14.99			2															2		58.3	
15.00–15.99			5															5		68.8	
16.00–17.99	1		4															5		79.2	
18.00–19.99			2															2		83.3	
20.00–24.99	5		2															7		97.9	
25.00–29.99																					
30.00–34.99	1																	1		100.0	
35.00–39.99																					
40.00 and over																					

EXPERIENCE.

Table XVII shows for all employees, length of experience in the trade and with the firm where enumerated. Our query as to how long these persons had been at work for wages, brought out the response that practically all had begun as soon as the law allowed and had been at it with few interruptions ever since. But as to the box industry, our figures show a lagging, which indicates that other trades had claimed some years. Among 282 women investigated, who had worked from less than one year to more than 35, we found that 92 had been in one other line; 26 had been

in two others, and 14 had been in three or four. So the boxmaker is not necessarily a specialist by training. (See Table XVII.)

TABLE XVII — YEARS EXPERIENCE (MEDIANS) BY AGE.

ALL EMPLOYEES.

AGE GROUPS.	YEARS IN TRADE.				YEARS WITH FIRM.			
	MALE.		FEMALE.		MALE.		FEMALE.	
	Years.	Months.	Years.	Months.	Years.	Months.	Years.	Months.
14–15	.....	8.	.....	7.4	.....	7.1	.....	7.
16–17	.....	9.7	.....	11.9	.....	8.2	.....	9.3
18–20	2	1.	3	1.4	.....	10.8	1	7.5
21–24	5	.7	6	4.7	1	4.8	3	1.5
25–29	8	11.6	12	6.9	2	5.6	5	2.5
30–34	12	1.1	14	5.9	2	9.7	5	6.
35–39	14	7.4	17	11.7	3	11.7	5	3.
40–44	17	6.	22	10.5	4	10.5	9	4.5
45–54	25	3.4	24	6.	5	5.5	8	6.
55–64	16	8.	30	.....	8	1.5	11	3.
Over 65	22	6.	32	6.	5	6.	32	6.

Years with the firm, as shown by the last columns, are brief indeed. This further emphasizes the shifting nature of the force. These figures show returns from all departments of the business, but those for the factory force alone show but slight variation from them. Only 7 per cent. of the women workers had been with the firm 10 years or more, and but 18 per cent. of the men had remained over 5 years.

Naturally a worker expects to capitalize such experience in the form of greater earning capacity. Table XVIII shows that for only a short time does a man's work for a year put a dollar a week more in his pay envelope. After 10 years' experience in the business the representative worker is able to make $15; and after 25 years, he attains to $18.44 — the high-water mark. Half of the women rise to $8 after 5 years of work and to $9 after 8 years. The majority never touch $10. These statements are also true when factory workers alone are considered, for they constitute 85 per cent. of the cases enumerated. (See Table XVIII.)

PAPER BOXES. TABLE XVIII.

EARNINGS AND TRADE EXPERIENCE

NUMBER AND PERCENT. OF ALL EMPLOYEES BY YEARS IN TRADE, AND MEDIAN WEEKLY EARNINGS.

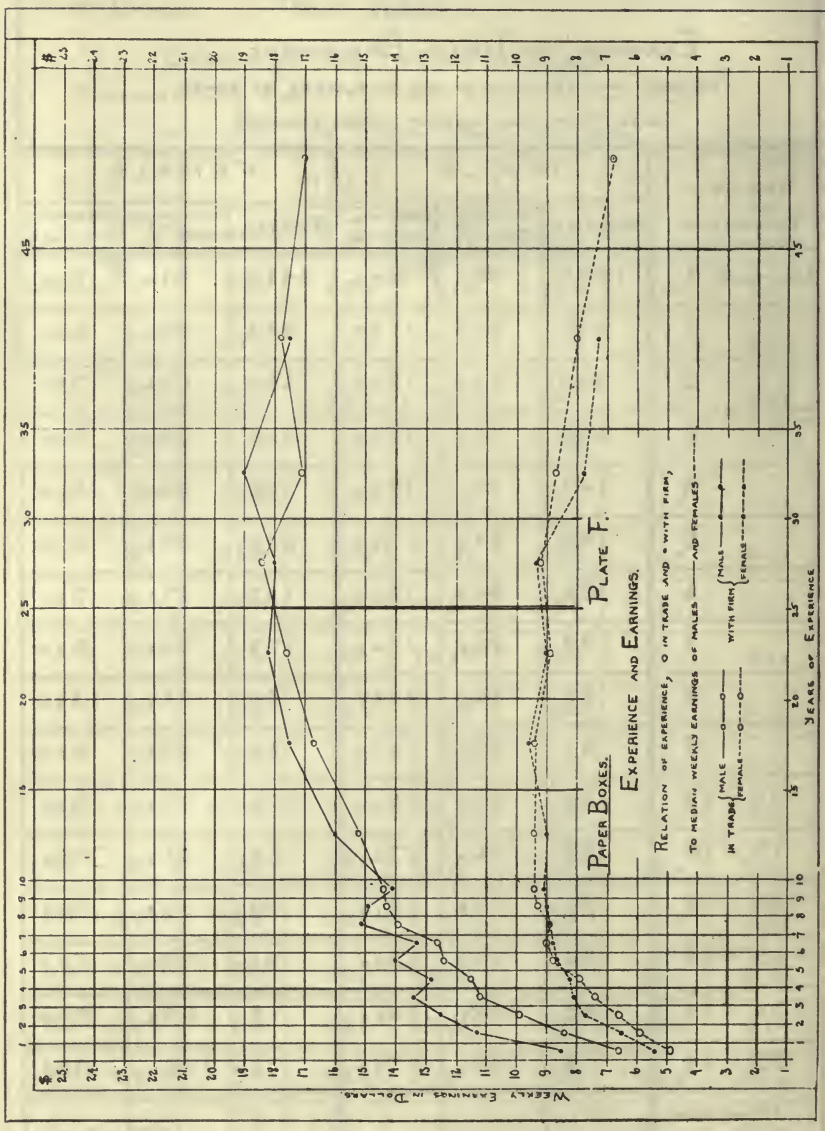
YEARS OF EXPERIENCE	MALE			FEMALE		
	NUMBER	CUMULATIVE %	MEDIAN EARNINGS	NUMBER	CUMULATIVE %	MEDIAN EARNINGS
LESS THAN 1	729	23.2	$ 6.63	1490	25.6	$ 4.90
1	286	32.3	8.39	675	37.1	5.90
2	226	39.5	9.89	627	47.9	6.58
3	210	46.1	11.16	562	57.5	7.36
4	143	50.8	11.50	405	64.5	7.87
5	144	55.4	12.38	335	70.2	8.75
6	164	60.6	12.61	285	75.1	8.97
7	126	64.6	13.89	249	79.4	8.94
8	129	68.7	14.32	183	82.5	9.32
9	77	71.1	14.42	110	84.4	9.35
10 – 14	372	83.	15.21	438	91.9	9.39
15 – 19	212	89.7	16.63	192	95.2	9.36
20 – 24	122	93.6	17.63	136	97.5	8.87
25 – 29	90	96.5	18.44	84	99.	9.19
30 – 34	69	98.7	17.08	32	99.6	8.67
35 – 44	39	99.9	17.80	22	99.9	8.00
45 AND OVER	6	100.	17.00	1	100.	6.75
	3144			5826		

PAPER BOXES. TABLE XIX.

EARNINGS AND TERM OF EMPLOYMENT.

NUMBER AND PERCENT. OF ALL EMPLOYEES BY YEARS WITH FIRM, AND MEDIAN WEEKLY EARNINGS.

YEARS OF EXPERIENCE	MALE			FEMALE		
	NUMBER	CUMULATIVE %	MEDIAN EARNINGS	NUMBER	CUMULATIVE %	MEDIAN EARNINGS
LESS THAN 1	1284	40.6	$ 8.53	2419	41.4	$ 5.44
1	439	54.5	11.32	863	56.2	6.51
2	323	64.7	12.52	665	67.6	7.67
3	242	72.4	13.39	462	75.5	8.05
4	147	77.1	12.82	308	80.8	8.23
5	129	81.2	13.97	242	84.9	8.73
6	99	84.3	13.25	162	87.7	8.81
7	79	86.8	15.05	129	89.9	8.87
8	56	88.5	14.88	99	91.6	8.98
9	31	89.5	14.10	63	92.7	9.13
10 – 14	166	94.8	16.00	262	97.2	8.98
15 – 19	58	96.6	17.46	68	98.3	9.56
20 – 24	41	97.9	18.17	55	99.3	9.04
25 – 29	32	98.9	18.00	26	99.7	9.33
30 – 34	22	99.6	19.00	12	99.9	7.83
35 – 44	9	100.	17.50	6	100.	7.25
45 AND OVER						
	3157			5841		


PAPER BOXES.
PLATE F.
EXPERIENCE AND EARNINGS.
RELATION OF EXPERIENCE, O IN TRADE AND • WITH FIRM,
TO MEDIAN WEEKLY EARNINGS OF MALES —— AND FEMALES ------
IN TRADE { MALE —O— WITH FIRM { MALE —•— FEMALE ---O--- FEMALE ---•---
WEEKLY EARNINGS IN DOLLARS.
YEARS OF EXPERIENCE

As for sticking to the firm, Table XIX shows how that pays. As compared with the same length of service in the trade, ordinary men who stay in one place get two or three dollars a week more for the first few years; but this gradually dwindles to a dollar or less premium for steadiness. For women there is little difference. Plate F shows the comparative progress in graphic form.

(See Table XIX and Plate F.)

In considering progress in the trade, the number of lines, or occupations, worked at may give some idea of the chances of promotion and of the extent of specialization. Of 283 women operatives reporting on this point, 156 (55 per cent.) had worked at one line only. Of these, 23 had been in the business 10 years or more. Ninety-six had worked at two lines, and 31 had tried their hands at three or four operations.

Table XX shows that 15 per cent. of the workers received an advance in wages during the course of a year. For two-thirds of all males raised and for seven-eighths of the girls and women, this amounted to 50 cents or $1 a week. Other details are shown in the table. (See Table XX.)

TABLE XX — RAISED IN ONE YEAR.

NUMBER AND PERCENT OF ALL WEEK WORKERS IN NINE FACTORIES, WITH AMOUNT OF ADVANCE, BY SEX.

	Males.	Females.	Both.	Per cent. of all.
Total employed	631	1,236	1,867	100.
AMOUNT OF RAISE.				
No raise	498	1,083	1,581	84.5
$0.25–$0.49	1	2	3	0.2
0.50– 0,99	25	108	133	7.1
1.00– 1.49	63	27	90	4.8
1.50– 1.99	7	7	14	0.7
2.00– 2.99	27	8	35	1.9
3.00– 3.99	5	1	6	0.3
4.00– 4.99	1	.....	1	0.1
5.00– 5.99	2	.....	2	0.2
6.00– 6.99	2*	.....	2	0.2
Total raised	133	153	286	15.5

* One of these was raised $8.00.

HOME WORK.

Our investigators found some home work, both in fine and coarse grades of goods. Elaborately decorated cardboard boxes and favors are done in this way. Occasionally a factory worker takes material home to finish herself, or has other members of the family help. Certain tasks, as fitting parts together, can be done perfectly well by outworkers, and some of these have been found. Their connection with a factory is apt to be uncertain and their earnings very small. Such work is usually regarded as furnishing a supplementary wage to housewives. The following list taken from one factory, shows one week's earnings and the length of time the homeworker had been on the firm's payroll.

Worker.	Week's earnings.	Weeks with firm.
L. S.	$0.25	1
W. S.	.25	3
W. McD.	.25	10
N. F.	.40	2
V. G.	.60	1
Mrs. M.	2.50	1
G. D'A.	2.50	16
Mrs. K.	3.00	5
L. W.	5.00	41
Total (9)	$14.75	80
Average	$1.64	9

These meagre data indicate that few persons could live on such precarious earnings, and that extensive competition by homeworkers would be disastrous for the trade. We have not attempted to investigate the extent of such work, but we believe its continuation in connection with containers for food has an important sanitary side as well as an economic bearing.

WAGES AND MARRIAGE.

We have remarked that the number of young single women in the paper box trade is very large. Men who enter the business must compete on a general wage scale that is established largely by the earnings of this kind of help. Indeed, although married people are usually steadier than those without direct domestic responsibilities, it is questionable whether the support of a family is generally the basis for fixing wages. The following table shows the amount of weekly earnings below which half the persons in each marital group were found. (Table XXI.)

TABLE XXI.

MEDIAN EARNINGS BY CONJUGAL CONDITION.

	MALES.		FEMALES.	
	All employees.	Factory workers.	All employees.	Factory workers.
Single	$9.52	$9.25	$6.74	$6.64
Married	14.64	14.90	7.65	7.61
Widowed or divorced	15.60	14.50	8.21	8.11

EARNINGS AND NATIVITY.

As already indicated, immigrants tend to fill in the less skilled occupations and therefore as a rule are paid lower than natives. We have also remarked that foreign men enter lines where native women and boys do much of the work. The following table shows that in all positions, the recompense for those born abroad is less, and this despite the fact that the age of foreigners is as a rule higher than that of native workers in this line. (See Table XXII.)

TABLE XXII.

MEDIAN WEEKLY EARNINGS AND NATIVITY.

	MALES.		FEMALES.	
	All employees.	Factory workers.	All employees.	Factory workers.
Native	$12.33	$123.4	$6.41	$6.78
Foreign	11.44	111.6	6.29	6.77

WAGE-EARNING WOMEN.

The following summary of personal interviews is presented from a summary by the field agents:

Interviews were held, in the factories and in the homes, with 227 women representing thirty-seven factories. Full trade histories were secured in almost all cases and reasonably full personal histories. Sometimes, when there was perfect willingness to answer, memories were not ready or accurate. That is why questions as to hours, holidays, etc., were asked many times in the same factory. One girl declared that the factory had been open every Saturday during the previous summer, for she remembered they were always paid that day. Eighteen other girls, the pay-roll and the proprietor agreed that work had been very slack and the factory closed on Saturdays the whole summer. In another case, six girls gave the list of legal holidays observed, and said they were not paid for them, before one mentioned that they were always paid for Christmas Day.

When it came to the personal histories, the questions as to age, nativity and education were willingly answered, but there was

often reluctance to give the occupations and earnings of other members of the family group. "I don't know" was an easy refuge, and the agents did not use undue pressure to overcome it, as willing information was considered the most reliable. No doubt in many cases, the girls, especially the younger ones, really did not know, for there is a certain reserve on the part of male members of a family in regard to their earnings.

The personal budget was another difficulty. Luncheon and carfare expenditures were easy to obtain; clothes and spending money, much less easy; savings, almost impossible. There is no reason to doubt that those who reported savings really had them, but probably some of those who did not answer or who answered "No," were unwilling to admit having them.

"Clothes" were also a problem. No one was able to answer off-hand, except to say, "My mother buys them," "What I have left, I spend," or "Not much." When a girl seemed friendly and intelligent, a good deal of time was spent in figuring out with her everything she had bought in the last twelve months. When the interviews were taken in the factories, the cost of every large article could be obtained, including shoes, stockings, and some underwear; but ribbons, collars, handkerchiefs, and other incidental expenses were lumped together at the judgment of the agent. It is thought that the totals are not much out. When the interviews were taken in the homes, more than one visit could be made and detailed and careful budgets were obtained.

The women interviewed were fairly representative of the trade as to nationality, but averaged older and steadier, and therefore their median wage, $7.50, was higher than the median wage for women in the whole trade. Questions as to loss of time for industrial or personal reasons showed an average loss per person of twenty-eight working days per year. If we add the eight legal holidays usually observed and not paid for, the wages are reduced by 9 per cent., that is, to $6.90. In the opinion of the agents this is an optimistic estimate. Nevertheless, in all the estimates of expenditures which follow, the rates of wages are taken as if they were the actual earnings because the girls' own estimates are based on them. Ruth S——, for instance, said that she spent

$150 a year for her clothes because she was then spending $3 a week, and did not take into account the six weeks of the preceding winter when she had no work at all.

Education — Thirty-two of the foreign born had had either no schooling at all, or less than a year's schooling. Their average age was 20; their average wage, $6.85. Of the others, 110 left school at 14 or under, and all but five had left school at 16 or under. Book-learning is less needed than manual dexterity. In all the good shops there is a regular system of progression from turner-in to stripper or top-labeler. But this progression, which usually takes several years, could in most cases be accomplished in a few months. For example, Mrs. K——, a deserted wife, with a mother and two children dependent upon her, secured a position as stayer through the influence of the foreman. "I told them I would not come for less," she said, and she was at once able as piece worker to earn $10 a week. Now, after two years, she makes $11 or over. Evidently it is not a really skilled trade.

Domicile.— Sixty-four per cent. were living at home; 19 per cent. were living with relatives; 17 per cent. were lodging with strangers. (See Table 1.)

TABLE 1.

Number of Female Workers by Age According to Residence.

	Total.	Age.	
		Under 16.	16 and over.
At home	178	19	159
With relations	53	2	51
Boarding with strangers	36	.....	36
Lodging with strangers	9	.....	9
In her own apartment	1	.....	1
Total	277	21	256

Most of the group were single, many of them girls looking forward to matrimony as a release from the factory. One young girl said, "I am sick and tired of this work, stripping all the time; it makes me dizzy. There is one hope for us and that is to get married; it is easier than doing this." However, some of the married ones go back to the factory because they "want to live

right," which means clothes or amusements, or because they think it is "better than staying home, just sitting;" and still others are forced back by family misfortunes. Eleven out of the twenty-two married ones were childless wives of men able and apparently willing to support them. Mrs. D——, a woman of 50, has a husband and two sons working, but "My husband may die, and the boys may marry, and where should I be then?" So she works short hours in a factory where she has privileges, and has laid up in the bank against a rainy day $500, of which her husband and sons know nothing. Others work because their husbands are ill or out of employment.

Composition of Households.— We obtained data concerning the families of 156 women living at home. A typical family consists of 5 or 6 members, 3 of whom are wage earners. In 8 families, the paper box worker was the only wage earner; in 45 families, 29 per cent. of all, with 214 members, there was one other wage earner beside the 45 paper box workers; in 52 other families, 34 per cent. of all, with 317 members, there were two other wage earners in each. (See Table 2.)

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TABLE 2.

NUMBER OF FAMILIES OF GIVEN SIZE BY NUMBER OF WAGE EARNERS IN EACH

NUMBER OF PERSONS IN FAMILY	NUMBER OF FAMILIES	NUMBER OF WAGE EARNERS IN FAMILY						TOTAL NUMBER OF WAGE EARNERS
		1	2	3	4	5	6	
2	8	6	2					10
3	15	1	13	1				30
4	19		6	11	2			53
5	35	1	7	14	13			109
6	34		10	11	10	3		108
7	13		5	4		3	1	43
8	14		1	5	6	1	1	52
9	9		1	3	1	3	1	36
10	6			2	4			22
11	2				1		1	10
12	1.			1				3
TOTAL	156	8	45	52	37	10	4	476

We got full reports as to earnings from 98 families, whose composition was as follows:

Total families	98
Persons under 14 years of age	114
Persons over 14 years of age	404
Total persons	518

We should expect the number of wage earners to be large, for by selection we are dealing principally with the families of single wage earning women of 18 or over, where there would be normally a male wage earner, the father, and presumably one other wage earner. We are dealing therefore in general with families at the highest point of their prosperity, when the fathers are still working, and some of the children have come to working age.

If we distributed the individuals evenly among the families we should have a typical family consisting of five persons. Three of these would be wage earners, one an adult at home and one a child. Their weekly income, of which 27 per cent. would be contributed by the paper box worker, would be $26. This might possibly be adequate for a normal family of two adults and three children if steady employment could be counted on. But here we have to deal instead with three wage earners and their absolutely essential expenses of lunch and carfare and their increased need of food and clothing. (See Table 3.)

PAPER BOXES. TABLE 3.

NUMBER OF FAMILIES OF GIVEN SIZE, AND WEEKLY INCOME OF EACH.

FAMILY WEEKLY EARNINGS	NUMBER OF FAMILIES	NUMBER OF PERSONS IN FAMILY									NUMBER OF PERSONS IN FAMILIES
		2	3	4	5	6	7	8	9	10	
$6.00 – 6.99	1			1							4
7.00 – 7.99											
8.00 – 8.99	1		1								3
9.00 – 9.99	3	3									6
10.00 – 10.99	5	2	2			1					16
11.00 – 11.99	2	1	1								5
12.00 – 12.99	3	1	1		1						10
13.00 – 13.99	5	1	1		1	1	1				23
14.00 – 14.99	2		1	1							7
15.00 – 15.99											
16.00 – 17.99	4		1		2		1				20
18.00 – 19.99	4	1	1			2					17
20.00 – 21.99	1		1								3
22.00 – 24.99	19		1	6	1	8	2		1		103
25.00 – 29.99	12			2	3	3	2	1	1		72
30.00 – 34.99	9			1	5	2				1	51
35.00 – 39.99	15			3	4	4		2	1	1	91
40.00 – 44.99	4					1	1	1	1		30
45.00 – 49.99	3						1	2			23
50.00 – 54.99	1					1					6
55.00 – 59.99	1			1							4
60.00 – 64.99	2				1					1	15
65.00 – 69.99	1								1		9
TOTAL	98	9	11	15	18	23	8	6	5	3	518

PERSONAL BUDGETS.

Contributions to the Families.— Of the 178 who lived at home, 116, or 65 per cent., turned in all their wages. Several others contributed all but $1 which they used for their small expenses. Those who paid board at home, paid in most cases, $3, $3.50 or $4. Those who lived with relatives occasionally turned in every-

thing, but were more apt to pay board varying somewhat with their wages. The usual board is $3 or $3.50.

Carfare.— Carfare is a serious drain on some of the small incomes. Forty-four per cent. spend carfare in going to and from work, and most of these pay 60 cents a week, though some pay $1.20, and one who comes from New Jersey spends $1.60. Emily M——, 16 years, who earns $3, and Beckie W——, Mary S——, and Amelia E——, who earn $4, spend 60 cents each. The wages of those who ride average $7.50 a week, and of those who walk, average $5.50. Those who earn the smaller wages do not all live near the factories, but very often walk long distances to work. For most of them the expenditure of time and strength adds greatly to the length and fatigue of the working day. Carfare takes 7.7 per cent. of the wages of those who ride, and 3.7 per cent. of the wages of the whole group. (See Table 4.)

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TABLE 4.

WEEKLY EXPENDITURES FOR CARFARE TO AND FROM WORK BY RATE OF WAGES.

RATE OF WAGES	WEEKLY EXPENDITURES												NUMBER PAYING CARFARE	NUMBER PAYING NO CARFARE	TOTAL
	$0.10 — .19	$0.20 — .29	$0.30 — .39	$0.40 — .49	$0.50 — .59	$0.60 — .69	$0.70 — .79	$0.80 — .89	$0.90 — .99	$1.00 — 1.09	$1.10 — 1.19	$1.20 AND OVER			
LESS THAN $3.00														1	1
3.00 — 3.49						1							1	3	4
3.50 — 3.99														3	3
4.00 — 4.49		1	1			3							5	4	9
4.50 — 4.99			1										1	15	16
5.00 — 5.49	1		1			4	1	1					8	21	29
5.50 — 5.99			1		1	7						1	10	22	32
6.00 — 6.49	1	1	3	1		11			1				18	24	42
6.50 — 6.99						2							2	11	13
7.00 — 7.49	2					9							11	13	24
7.50 — 7.99					1	4			1				6	7	13
8.00 — 8.99	1		2			14			1				18	12	30
9.00 — 9.99	1	1				13				2		5	22	13	35
10.00 AND OVER			1	1		16						2	20	6	26
TOTAL	6	3	10	2	2	84	1	1	3	2		8	122	155	277

Luncheon.— Two-fifths of the number bring their luncheon from home; three-fifths buy it. The typical amounts expended are 10 or 15 cents a day. Most of those who spend less than 10 cents bring something from home as well. Lunch is often bought from a peddler who comes into the factory, or else one of the girls or boys goes out to get what is needed for a group. A few of the higher paid go to restaurants. It is interesting to see how steadily the luncheon expenditures rise with the wages. After a $5.50 wage is reached, the number of those spending lunch money is always greater than those not spending. For those who buy lunch, $7.50 is the average wage and they spend 10.7 per cent. of it on luncheon. (See Table 5.)

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TABLE 5.

WEEKLY EXPENDITURES FOR LUNCHEON BY RATE OF WAGES

RATE OF WAGES	WEEKLY EXPENDITURES												NUMBER BUYING LUNCH	NUMBER NOT BUYING LUNCH	TOTAL
	$0.10 – .19	$0.20 – .29	$0.30 – .39	$0.40 – .49	$0.50 – .59	$0.60 – .69	$0.70 – .79	$0.80 – .89	$0.90 – .99	$1.00 – 1.09	$1.10 – 1.19	$1.20 AND OVER			
LESS THAN 3.00			1										1		1
3.00 – 3.49						1							1	3	4
3.50 – 3.99						1							1	2	3
4.00 – 4.49			1		1	2			1				5	3	8
4.50 – 4.99			1	1		1							3	9	12
5.00 – 5.49	1		1		3	1			2		1		9	19	28
5.50 – 5.99			2	1	1	4	4	1	4	1			18	12	30
6.00 – 6.49			2		3	6	1		10	2			24	16	40
6.50 – 6.99			1		2				2	2			7	5	12
7.00 – 7.49						2	1	1	3	2		4	13	8	21
7.50 – 7.99					1	2			2			2	7	6	13
8.00 8.99			2			7	2	1	3	1	1	2	19	9	28
9.00 – 9.99		1	1			4	3	1	7	3		4	24	10	34
10.00 AND OVER					1	3	1		6	2		7	20	6	26
TOTAL	1	1	12	2	12	34	12	4	40	13	2	19	152	108	260

Spending Money.— It was not very easy to get data regarding spending money, under which head are included all expenditures for recreation, moving pictures, picnics, dances (when the girls

go to any), carefares to see friends, etc. In some families, when the girl turns in her pay envelope, it is the custom for the mother to give her back 25 cents, 50 cents, or $1, which she is to use for all her little expenses. In other families this is done on Sunday. But sometimes the girls would say, "When I want anything I ask my mother," or "What I want my mother gives me." Careful questioning could usually bring out how much the mothers had been giving them in the last few weeks. It is probable that some expenditures for clothes are included in the spending money. In many cases, stockings, collars or any little article of personal adornment must be bought out of the 50 cents a week given to the girl. The average amount of spending money is 50 cents a week, which is 8 per cent. of the weekly wage of those reporting.

Clothes.— Reports of expenditures for clothes were obtained from 70 girls and women. Half the number of girls reporting spent less than $70 a year on clothes. The average per cent. of income expended was 19.5. A few girls sew for themselves; more have mothers or sisters who sew for them; the majority buy most of their clothes ready-made and get in consequence the style they love, but flimsy materials. A disproportionate amount is often spent on outer garments. (See Table 6.)

PAPER BOXES. TABLE 6.

ANNUAL EXPENDITURES OF FEMALE WORKERS FOR CLOTHES, BY RATES OF WAGES.

WEEKLY RATE OF WAGES	ANNUAL EXPENDITURES — DOLLARS																TOTAL
	10. TO 19.	20. TO 29.	30. TO 39.	40. TO 49.	50. TO 59.	60. TO 69.	70. TO 79.	80. TO 89.	90. TO 99.	100.– 109.	110.– 119.	120.– 129.	130.– 139.	140.– 149.	150.– 159.	160. AND OVER	
5.00– 5.49				1		1				1		1				*1	5
5.50– 5.99	1	1		1	3	1				2							9
6.00– 6.49	1			1	3				1								6
6.50– 6.99					1		2						1				4
7.00– 7.49			1		3		4		1	1							10
7.50– 7.99				1	1	1	2		1								6
8.00– 8.99				1	2	3	1		1	1			2		1		12
9.00– 9.99			2		2	2				1	1				2	†1	11
10.00 AND OVER						1	3			2					1		7
TOTAL	2	1	3	5	15	9	12		4	8	1	1			4		70

*SPENT $160. †SPENT $200.

No doubt, a wiser expenditure would produce more satisfactory results for the same amount of money, or even make less money necessary, but girls who go to work at fourteen have no opportunity to learn to sew and, indeed, dressmaking at night is a tax on strength and should not be demanded of working women. As for the mothers, it is not fair that they should be required to subsidize their working daughters to that extent.

Fifty dollars a year would seem to be the very lowest amount on which a young woman, careful in her expenditures, prudent in the manner of wearing her clothes, and skillful in repairing, can make a merely decent appearance. That is, if her life is to contain anything but going to work in the morning, and coming back again at night.

The following is the actual budget of E. W——, for expenditures for clothes during the past year. Her regular rate of wages is $5.50 per week.

2 hats, 1 at $2.50 and 1 at $1.50	$4.00
1 coat	9.00
2 skirts at $3.50 each	7.00
1 sweater	3.00
2 cloth waists at $1	2.00
5 shirt waists at 35c.	1.75
3 petticoats at $1	3.00
2 doz. handkerchiefs at 25c. a dozen	.50
1 pair mittens	.25
1 pair of summer gloves	.25
50 pairs of stockings at 9c.	4.50
3 pairs of shoes at $2	6.00
Repairing shoes	1.00
10 undervests at 15c.	1.50
3 pairs of drawers at 25c.	.75
4 corset covers at 15c.	.60
1 corset	2.00
1 pair of overshoes	.65
Total	$47.75

Stockings are the only seeming extravagance. In every other respect the expenditures are very modest. When the annual expenditure is less than $50, there is usually dire poverty or a special explanation.

A. R——, who earns $5.50 a week, has spent $10 on clothes in the past year. She is a woman of 45 who had a good stock of clothes when she had the misfortune to lose, through failing eyesight, a much better position, and she does not know how she can manage when these things are worn out. Beckie B—— earns $7, but as her food and lodging cost her $5 a week, she has to make $35 a year suffice for clothing. She manages by doing all her own sewing. Mrs. S——, who earns $5 a week, puts $160 of it on her person, but she has a husband who gets good wages. The

girls on small wages who spend largely on clothes, are subsidized by their families.

Laundry.— Expenditures for laundry are almost negligible. The mothers do it generally; the landlady may do it; and in many cases the girls do it themselves.

Dues.— One hundred and twenty-two out of 206 who gave information on this point paid dues in some form. Many of these, usually native Americans, paid insurance; two paid union dues; and only four paid club dues.

The Girl Without a Home.

Of the women interviewed, 46, or 17 per cent., did not live at home. Their cases deserve to be well studied both for their own sakes and for the better understanding of the financial status of the girl who lives at home. The well-being of the latter depends principally on the well-being of her family. She gets more clothes, maybe, and better food and lodging, certainly, if her father is well-to-do.

Cost of Board and Lodging.— Of the 46 women and girls living alone, 38 were entirely self-supporting. Some of these girls board; others live in furnished rooms, getting their meals outside; and one woman has her own little apartment. Fourteen live in furnished rooms. Three of these, who are American born, pay $2 to $2.35 a week; eleven, all Russian born, pay $3 a month for "sleeps," as one of them expressed it. This is apt to mean a sofa in a room with others, or one-half of the landlady's bed. Meals may be taken with the landlady or bought at a restaurant. Breakfast consists usually of coffee and rolls or an apple from a fruit stand. Many go without breakfast. Luncheon of meat and potatoes and a vegetable or dessert, is apt to cost 15 cents. Dinner costs 15 to 25 cents. Three dollars is the usual weekly cost of food, including luncheon. It could not well be less. The minimum amount paid for lodging, which is also the usual amount in the case of the foreign born, is 70 cents a week, making a total cost for board and lodging of $3.70. This is almost precisely the usual amount paid by those who board and lodge in the same

house. There are wide differences, of course, the smallest amount for board being $2.50, the largest $5.75. The expenditures vary partly with the wages. Most of the girls spend 51 per cent. of their wages for board and lodging.

For the self-supporting girl, all other expenditures vary much more directly with the income than is the case with the girl at home.

Clothes.— Seventeen women reported expenditures for clothes. More than half of these spend less than $65 a year each.

Spending Money and Laundry.— Spending money averages 50 cents a week. In only 4 cases are laundry expenses reported. In 18 cases out of 38, the girl is specifically said to do it herself. This is no insignificant tax upon her strength.

Insurance and Savings.— Four, all American born, pay insurance of from 30 cents to 35 cents a week. Five, all Russians, report savings. One whose wages are $10.50 has saved $200. The others, whose wages are $7, $8, $8.50 and $9, have saved $20, $30, $60 and $50 respectively. Very likely still others have savings.

It can be easily seen that a girl whose wage rate is $7.50 a week and whose actual earnings do not average more than $6.90, must be poorly housed, insufficiently fed and meagerly clothed. Any need for a doctor or dentist, any call to help needy relations on this side or the other, must result in actual deprivation. "I could get on all right with $9," said one girl whose weekly wage was supposed to be that. "But there is a holiday this week. Last week I was sick a day. There is always something. I cannot plan on more $7.50 and that is very hard."

Representative Cases and Budgets.

Of the 277 women interviewed there were 73 who had others partially or entirely dependent upon them. They, like those away from home, are in the minority, but both groups are numerous enough to be considered and together they form a large percentage.

No. 421.

Mrs. Annie F——. Age 24. Russian. Wages, $6. Her husband is ill in Europe. She has two children 7 and 3 years of age. The three live with her husband's mother to whom she pays $3 a month for lodging and $4 a week for board.

No. 258.

Loretta B.——. Age 15. Of American parentage. Her father is dead. Her mother earns a little by cleaning. Loretta's wages are $5 a week. A sister, 16, earns $5. A grandmother who lives with them and a sister of 17 are at home ill. A brother of 10 and a sister of 11 go to school.

No. 334.

Gertie S——. Age 26. Of American parentage. Wages, $8. Her father, 60 years old, does not work. Her mother and one sister do the housework. One sister temporarily out of work. One sister earns $15 a week.

No. 401.

Gussie S——. Age 15. Russian. Wages, $3.50. Her mother earns $3.50 a week housecleaning. Her brother of 13 goes to school.

No. 248.

Kitty P——. Age 37. American. Father, Irish. Wages, $7.50. She and one sister live together. The sister is 48 and cannot work. They have one lodger who pays $2 a week. Miss P—— loses much time by illness.

No. 407.

Sadie F——. Age 18. American. Father, American. Wages, $6. Her father has not worked for four years. Her mother earns $4 a week by washing.

No. 452.

Frieda F——. Age 23. Russian. Wages, $12. Father and one sister are unable to work. A second sister is feeble-minded. The mother does the housework. Frieda is the sole support of the family.

Data Obtained in the Homes.

The following data have been selected from schedules obtained in the homes:

No. 513.

Beckie T——. Age 19. Russian. She has been in America only three months. Both father and mother are in Russia. She has one brother in New York, aged 18, who is making $9 a week. She began work at paper boxes at $4 a week, and has been raised to $4.50, $5 and $5.50. Her brother has assisted her, but she does not know how much he has given her. The family with whom she lodges have three rooms, and consists of husband, wife and four children. Beckie pointed out the leather couch on which she sleeps.

No. 519.

Rose E——. Age 23. Russian. She came to the United States when 18, and began work in a paper box factory at $3.50. Was raised to $4, $4.50, $5, and now gets $5.50. She can read and write in Yiddish. Once in two years she sends $5 to her mother in Russia. She saves enough in rush seasons to carry her through slack seasons. She pays $3 a month for lodging, and sleeps on a lounge. Her breakfast of rolls, butter and one cup of coffee costs 8 or 10 cents. Her lunch from a food peddler in the factory costs 15 cents and consists of hot meat or fish, or potatoes or boiled eggs, with bread, but no butter. Supper averages 20 cents and consists of bread with soup and potatoes, or soup and meat or sometimes soup, meat and potatoes. The weekly cost of food and lodging is therefore $3.70. She was idle 14 weeks in the preceding year, making her estimated average wages $4.02 a week.

No. 520.

Sadie R——. Age 14. Italian. She is well grown and tells them in the factory that she is 17. This girl's family consists of her father and mother and three children. They came to the United States when Sadie was 2 years old. Her father is a cobbler, and the agent thinks he makes from $7 to $10 a week.

Sadie's earnings for 20 weeks show an average of $5.47 a week, but agent thinks that $5 per week the year round is a fair estimate. She goes to a moving picture show once in two weeks. Here is an account of her annual expenditures for clothes:

1 winter coat	$8.00
1 sweater	2.00
6 shirtwaists at 70c.	4.20
1 skirt	3.00
36 handkerchiefs at 2c.	.72
3 petticoats at 75c. each and 3 at 25c. each	3.00
30 pairs of stockings at 10c. pair	3.00
4 pairs of shoes at $2	8.00
Underwear	6.00
4 corsets at $1	4.00
6 corset covers at 25c.	1.50
Repairing shoes	1.00
No hats this year	....
No rubbers	....
No gloves or mittens	....
Total	$44.42

No. 526.

Sarah G——. Age 23. Russian. She came to New York when about 14 years of age. Her parents are in Russia. Her relatives in New York are an aunt and three unmarried sisters. Sarah and her older sister paid for the passage of the other two sisters to the United States, Sarah's half share being $67.00.

She began work in a shirt factory at $1.50 per week. Next, she went into paper box making at $2.50, rising to $3.00 and $4.00. Then, in order to save carfare, she changed to a candy factory at $3.00, and was ultimately raised to $4.50. Later, she began work in a ribbon factory at $4.00, and was promoted to $4.50. Then she returned to paper boxes at $5.00, and after two years was advanced to $5.50. Now she is making $9.00 per week.

The landlady, with whom Sarah lodges, has three rooms, which are occupied by herself and two male and two female lodgers.

Sarah has a bed to herself, for which she pays $3.00 a month. The following is Sarah's budget:

Lodging, 12 months, at $3		$36.00
Doctors' bills this year		2.00
Laundry, 52 weeks, at 25c		13.00
Spending money, 52 weeks, at 50c		26.00
Clothes:		
4 hats, at $3	$12.00	
1 winter coat	10.00	
1 spring coat	6.00	
1 sweater	3.00	
6 shirtwaists, at 50c	3.00	
4 skirts, at $3.50	14.00	
2 white dresses, at $3	6.00	
4 doz. handkerchiefs, at 50c. a doz.	2.00	
5 petticoats, at 75c	3.75	
2 pairs of gloves, at $1	2.00	
36 pairs of stockings	5.20	
4 pairs of shoes, at $3	12.00	
1 pair rubbers	1.00	
Repairing shoes	1.00	
Underwear	10.00	
3 pairs corsets, at $2	6.00	
1 party dress	15.00	
		111.95
Breakfast, 9c.; lunch, 13c.; supper, 25c.— 47c. per day for 365 days		171.55
		$360.50

Actual earnings for 36 weeks (as far back as they could be obtained) averaged $8.34 a week. Assuming the same average for previous working weeks, and deducting for 4 weeks when she was out of employment, her total annual earnings would be $400.32; expenses, $360.50, leaving a surplus of $39.82. Sarah occasionally assists her sister, whose passage she paid.

No. 521.

Antoinette D——. Age 21. Italian. She came to the United State at the age of 17. She has 4 sisters here. Her parents are in Italy, and she sends them $3 a year. She and one other sister live with a married sister. Eight people live in 3 rooms. Antoinette spent 2 months in the country with a friend during the past summer. She began in the paper-box trade at $5 a week and is now on a wage rate of $7. Her wages for 21 weeks, which is as far back as the payroll goes, average $5.92 a week. Her wages for the year would probably average $6 a week. She admitted that she worked 7 days in the week for several weeks during the rush season. Her annual accounts are given herewith:

Income, 52 weeks, at $6			$312.00
Board and lodging, 52 weeks, at $3.50		$182.00	
Spending money, 52 weeks, at 10c		5.20	
Clothes:			
1 hat, $2.50, 1 hat, $8	$10.50		
1 winter coat	9.00		
12 shirtwaists, at 70c	8.40		
24 handkerchiefs, at 5c	1.20		
3 petticoats, at $1	3.00		
30 pairs of stockings	3.60		
4 pairs shoes, average, $2.25	9.00		
Repairing shoes	1.00		
Underwear	8.00		
6 pairs of corsets, at $2	12.00		
4 corset covers, at 30c	1.20		
1 party dress	11.00		
		77.90	
Total expenses			265.10
Surplus			$46.90

No. 523.

Annie P——. Age 19. Austrian. She came here when 12 years of age. Her parents are dead and she lives with her married brother. She has had no doctor's or dentist's bills this year, but

has spent $25 altogether in other years for dentistry. She has sent $30 to a sister in Austria in the last two years and she has $30 in the bank. She is a piece-worker and her wages average $8.29 a week.

Budget:

Total annual earnings			$431.32
52 weeks' board, at $3.75 a week		$195.00	
52 weeks' spending money, at 25c		13.00	
Clothes:			
1 suit	$24.00		
3 hats	9.00		
1 winter coat	10.00		
1 sweater	3.00		
2 cloth waists, at 35c	.70		
3 skirts, $4, $2.50 and $1.75	8.25		
4 shirtwaists, at $1	4.00		
2 wash dresses at $3	6.00		
2 doz. handkerchiefs, at 25c doz.	.50		
2 petticoats, at $1	2.00		
1 pair gloves	1.00		
36 pairs of stockings	3.60		
4 pairs of shoes	10.00		
Repairing shoes	1.00		
Underwear	7.00		
1 pair rubbers	.75		
2 corsets, at $2	4.00		
6 corset covers, at 15c	.90		
4 nightgowns	2.00		
1 muff	3.00		
1 party dress	19.00		
		119.70	
Total expenses			327.70
Surplus			$103.62

Such accounts could be multiplied; but enough have been given to show the close economy of the workers. Taken in connection with the preceding wage data, they indicate that many women are often on the verge of dependency. A table is added showing variations in wages from week to week. The figures were taken from the payrolls. (See Table 7.)

PAPER BOXES.

TABLE 7.

FLUCTUATION OF EARNINGS OF STEADY WORKERS.

REPRESENTATIVE WORKERS EMPLOYED IN DIFFERENT ESTABLISHMENTS, FOR VARYING PERIODS, BUT EACH IN ONLY ONE ESTABLISHMENT DURING THE PERIOD RECORDED

EMPLOYEE	SADIE R.		IDA C.		ROSE H.		ANNIE F.		ANTOINETTE D.		SARAH F.	
PRESENT WEEKLY RATE	# 5.50		PIECE WORK		# 8.50		PIECE WORK		# 7.00		PIECE WORK	
AVERAGE WEEKLY EARNINGS FOR TIME AT WORK	5.47		# 8.10		7.39		# 8.29		5.92		# 6.34	
SUCCESSIVE WEEKLY EARNINGS IN PLANT DURING ONE YEAR	5.00		6.78	5.20	8.50	8.00	4.91	4.25	4.79	5.00	4.94	5.22
	4.95		6.24	7.47	8.50	7.27	8.70	8.58	7.00		8.69	5.49
	5.50		6.50	7.62	7.13	5.34	6.90	8.57	7.00		7.97	3.81
	6.72		6.70	7.53	7.08	5.95	9.49	7.88	7.25		9.89	3.30
	6.66		4.34	6.18	7.09	8.00	12.18	10.95	7.83		6.50	5.69
	5.61		3.27	3.20	8.50	8.09	13.34	9.74	6.66		10.38	6.69
	6.72		4.95	7.90	5.68	6.76	13.50	10.09	6.53		8.24	5.53
	6.66		4.55	5.36	8.50	8.00	14.87	8.69	7.83		4.69	7.31
	7.52		4.32	5.43	8.50	8.00	13.22	12.18	5.72		10.55	8.95
	6.50		7.70	4.17	8.50	8.00	13.60	10.15	6.94		10.62	8.72
	6.16		6.47	7.02	8.50	8.00	10.83	14.25	7.76		10.40	8.55
	3.66		6.90	9.53	8.00		10.48	13.37	7.27		9.19	6.71
	5.04		8.73	9.01	8.00		10.59	12.97	2.71		7.35	6.28
	5.04		8.76	11.27	7.33		6.92	8.93	5.96		8.05	5.54
	5.05		12.65	10.23	6.76		7.42	8.58	5.89		8.08	6.66
	5.05		12.43	13.56	8.00		4.17	6.55	4.33		6.82	4.29
	5.04		13.98	13.20	8.00		5.77	6.19	5.96		5.01	2.83
	2.41		12.66	13.77	6.67		6.59	7.69	2.00		8.35	2.68
	5.50		9.83	13.30	6.30		4.84	4.93			6.41	3.15
	5.04		9.63	12.42	6.67		3.20	4.49			4.65	3.65
			6.68	9.95	8.00		6.26	5.16			5.83	3.03
			7.55	9.48	7.34		4.52	4.44			4.50	6.54
			8.28	9.94	5.52		7.45	4.28			3.31	5.32
			8.72	7.32	6.67		7.03	7.21			6.93	
			3.86	9.19	8.00		5.08	6.73	5.00		3.36	
			4.94	4.98	6.67		5.03	5.46	5.00		3.96	

Status of the Trade.

The question now arises, what can the trade afford to do? Unquestionably the business is growing. Our accountant was able to secure financial statements from the books of ten representative firms. Wherever possible these were checked up from the original records. There were many differences noted in the distribution of various items by certain firms. The estimation of overhead charges and the calculation of profit are subject to correction. The following comparative and summary schedule shows the analysis of accounts for the fiscal year of 1912. (See Schedule.)

Paper Boxes.

Percentages of Expenses and Receipts, based on net sales.

Factory Number	Cost of material used in manufacture of goods sold	Wages of employees engaged directly in manufacturing	Other manufacturing costs	Selling and delivery	Office	General expense	Administrative salaries	Net profits on sales	Other income	Total net profits
206	38.80	26.62	8.70	9.13	2.85	0.93	6.05	6.92	1.77	8.69
232	37.90	22.50	11.90	19.30	2.20	2.50	2.30	1.40	—	1.40
252	28.17	33.14	24.01	10.13	*	*8.62	*	†—4.07	0.77	†—3.30
274	35.85	30.71	9.08	7.63	3.69	3.15	5.80	4.22	0.45	4.67
282	29.50	32.00	6.10	5.20	2.90	2.60	12.50	2.20	0.30	2.50
283	30.41	16.78	24.35	12.61	3.31	2.66	5.40	4.58	0.87	5.45
322	32.43	30.44	6.63	4.74	0.74	—	—	25.02	—	25.02
325	45.99	18.65	5.93	4.81	1.61	0.42	11.94	10.63	—	10.63
354	82.63	22.10	7.61	5.82	1.40	3.08	5.01	22.35	—	22.35
355	40.90	24.93	13.40	7.54	1.34	2.96	2.04	6.89	2.11	9.00
Average	35.25	24.83	14.73	9.89	2.47	2.25	4.30	6.40	1.00	7.40

* The amount chargeable to the paper box manufacturing branch of this business for office and general expenses and administrative salaries is estimated and charged in a lump sum. The details could not be obtained.

† Loss.

This represents sales amounting to over $1,347,000. A notable feature is the large item for miscellaneous costs. Paper boxes are awkward to handle and expensive to store, so that rent and delivery charges also figure large. The labor cost is one-fourth of the

value of the marketed product. Net profits do not appear to be excessive, if these figures can be trusted.

Paper boxes are probably cheap enough considering the human labor that enters into their manufacture. According to our figures, an increase of 10 per cent. in the general level of wages would not necessarily raise the price 2.5 per cent., nor reduce profits by the same amount.

There is only a slight relation between proportionate labor cost shown for the firms above and their general level of wage rates.* This indicates that low-paid labor is not necessarily cheap nor high-paid workers expensive. There is a growing tendency throughout the trade to substitute machinery for skilled hand labor, and to use girls to operate the automatic devices. This unquestionably increases fixed charges, enlarges output and holds down wages.

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* The Pearson coefficient of correlation is .27965+, which is smaller than the probable error.

APPENDIX III

MINIMUM WAGE LEGISLATION

BY

IRENE OSGOOD ANDREWS,

Assistant Secretary, American Association for Labor Legislation.

PREFACE.

Americans have long been accustomed to the legal protection of industrial employees in the matter of hours of labor, safety and sanitation in work places, the protection of the wage contract, and other similar legal safeguards. But the extension of legal regulation to cover the rate of wages paid to women and minors in private employments did not occur in this country until 1912, in Massachusetts. Since that year eight additional states have enacted minimum wage laws. The novelty of this kind of legislation and its widespread popularity have created a persistent demand for information on the subject.

It is the aim of the following report to present in brief and convenient form the main facts concerning the enactment and operation of minimum wage laws in this country as well as in foreign countries where the acts are similar in purpose to our American legislation on this subject.

It is not the aim of this report to discuss the economic aspects of the legal minimum wage. But included in one section are a few of the more important representative opinions concerning the actual operation and effect of minimum wage laws in those countries where they have been in operation sufficiently long to produce measurable results.

For the convenience of students of the subject there are also reprinted, as an appendix, the minimum wage laws of this country, of Victoria and of Great Britain. A select critical bibliography is added for the purpose of indicating a few of the most helpful and most readily available publications on the subject of the minimum wage.

I. O. A.

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MINIMUM WAGE LEGISLATION.

I. THE AMERICAN MINIMUM WAGE MOVEMENT.

1. Introduction.

It was nearly a century ago when Mathew Carey, of Philadelphia, the first American investigator of woman's work and the consistent champion of the working woman, wrote that the wages of women were "barely sufficient to procure them a scant supply of the very commonest food and raiment." From that time to the present the relatively low wage of women and children has been a subject of constant agitation.

Many women enter the industrial field for short periods only, mere transients in the business world; comparatively few receive previous industrial training of any kind; and the majority look to marriage rather than to organization or efficiency as the way to a higher standard of living. Organization among working women, therefore, has been attended with peculiar difficulties. Working women have remained largely unskilled and unorganized and thousands of them have been employed at wages insufficient to "maintain them in health and to provide reasonable comfort."

The wages of public employees in many cities and states of this country have for several years been regulated by law and a legal minimum wage rate has frequently been established. In 1913, for example, the city of Spokane at a popular election established a minimum scale of $3 a day on public work and on January 2, 1914, this ordinance was sustained by the Supreme Court of the state of Washington. Among the states which have provided a wage rate of from $2 to $3 a day in either state or city work are California, Indiana, Maryland (for the city of Baltimore), Massachusetts, Nebraska and Nevada. But it has been the common belief that the regulation of wages of employees in private industries, involving as it does a different principle, could not legally be undertaken in this country. Such regulation

in private employments has been practised, however, under the legal systems in New Zealand since 1894, in Victoria since 1896, and in the United Kingdom since 1909, when the British Parliament made provision for the creation of minimum wage boards, or "trade boards" as they are there called.

The success of the British system, operating under conditions similar to those in our country, acted as a stimulus to the increasing number of persons interested in the subject in America; and in 1911 the legislature of Massachusetts authorized the creation of the first American Minimum Wage Commission to investigate conditions and report upon the advisability of establishing a permanent wage commission. In the same year bills were prepared and presented to the legislatures in Minnesota and Wisconsin; public hearings were held and great interest was displayed, but in both states the bill failed to pass that year. In 1912, however, the legislature of Massachusetts again pioneered the way and passed a bill creating the first permanent Minimum Wage Commission in this country. This was followed in 1913 by minimum wage laws in eight additional states: California, Oregon, Washington, Colorado, Utah, Nebraska, Minnesota and Wisconsin (1).

2. EARLY HISTORY OF THE MOVEMENT IN AMERICA.

Before the days of recent popular agitation for minimum wage legislation in America there had been sporadic attempts to establish minimum standards of hours and wages by law. Nebraska, for example, in February, 1909, introduced the following:

> * * * "for the purpose of protecting the American standard of living, and insure to all who labor that they shall have an opportunity to improve themselves, to educate their children, and to lay by a sum for old age, it is hereby provided, that the minimum wage in all stores, factories, packing houses and all work-shops of whatsoever kind for all adult labor, male or female, shall be twenty (20) cents per hour where labor is performed by the hour and where labor

(1) A complete directory of these commissions is printed on page 385 of Appendix III.

is performed by the week the minimum wage shall be nine ($9) dollars per week and for such wage by the week not more than ten hours of labor shall be performed in any one day; Provided, That such adult labor, male or female, employed by the week, may engage to labor over time for which they shall receive not less than twenty-five (25) cents per hour."

This Nebraska proposal received little serious attention, but after the passage of the British Trade Boards Act, and its successful operation during the years of 1910 and 1911, the demand for minimum wage laws became prominent in America and bills were drafted in many states.

Definition of a Living Wage. — In practically all of these early bills there was substantial agreement that a "living wage" should be the standard for the determination of wage-rates. But this standard was indefinite and was capable of a variety of interpretations. Was it to be interpreted to cover only the cost of necessary food, clothing and shelter — the slave-owner's standard as it was sometimes called? Or should it include Mrs. Gilman's bold request for "two rooms and a bath"? Still another standard recommended to the National Conference of Charities and Correction, by the Committee on Standards of Living and Labor, rested upon the following definition: "The monetary equivalent of a living wage varies according to local conditions, but must include enough to secure the elements of a normal standard of living; to provide for education and recreation; to care for immature members of the family; to maintain the family during periods of sickness; and to permit of reasonable saving for old age."

Few of the minimum wage measures, however, either in state legislatures or in Congress, went beyond a definition of a wage rate which would enable the workers to sustain themselves in health, to maintain the accepted moral standards, and, in a few cases, to provide in addition reasonable or necessary comfort and well-being.(1)

(1) For the standards established in the various enacted laws see p. 182.

From the beginning the majority of the states, except Massachusetts and Nebraska, in America, as in foreign countries, apparently accepted the principle that an industry which cannot pay its employees sufficient to maintain them in health and reasonable comfort is a parasitic industry which should not be tolerated by the community.

Methods of Wage Determination. — At least four methods were proposed for determining the "living wage": (a) by fixing rates in the law itself; (b) by investigations through the commissioner of labor; (c) by direct investigation of special commissions; and (d) by investigations through commissions with the aid of special wage boards.

(a) The first method suggested in several states was the establishment in the law itself of a fixed rate of wages per day or per week for each class of employees — the flat-rate method. These arbitrary proposals frequently suggested the fixing of hours of work also.

The only flat-rate bill which became law was the Utah measure, applying to females only and providing a minimum of $1.25 a day for experienced adults, $.90 for adult learners or apprentices, and $.75 for children under eighteen.

(b) A second method, less commonly advocated, proposed to grant to the State Commissioner of Labor power to determine the "living wage." In both Oregon and Wisconsin, for example, it was first suggested that the Labor Commissioner might be required to investigate the wages paid and the cost of living and, after public hearings, finally establish the minimum wage rate. But no state adopted this second method.

(c) The plan of the third method was modeled upon the public service commission laws and proposed a commission of three members who were to investigate and, after public hearing, fix wage rates without the aid of subordinate boards for each industry or class of industries. This was the plan proposed in the Pennsylvania measure which failed to pass and also in the Colorado measure, which was the only one following this plan to become a law.

(d) The fourth method of wage determination, and that which was finally embodied in the laws of all nine states except Colorado and Utah, provided for the creation of commissions with subordinate wage boards to investigate and determine, after public hearing, the minimum wage rate for employees in the different occupations. Minnesota and Massachusetts adopted this method in their earliest bills, and the Massachusetts law which was enacted in 1912, a year earlier than the Minnesota act, became the model for most of the others.

Bills providing for wage commissions were introduced or prepared for introduction in many of the remaining states of the forty-two holding legislative sessions in 1913.

Persons and Industries Included.— In the discussion of these bills the right to legislate on the subject of wages for women and children was generally accepted, but considerable discussion arose over the question of including men. Men were included in the acts of Australasia and of Great Britain, but supposed constitutional difficulties deterred many from recommending their inclusion in this country. The trade unions also were almost unanimous in their opposition to the inclusion of men.(1) And while many of the earlier bills applied to all employees, in no one of the enacted laws were adult men included. On this point a brief prepared for the law proposed in 1911 in Wisconsin said:

> "The fact that no American state regulates wages in private employment is not conclusive against regulating them, if new, oppressive, and unwholesome conditions exist which cannot be corrected except by minimum living wages. And this applies to men as well as women and children, for on this line of reasoning, in matters of health, the courts have gone even further in restricting the hours of men to eight per day than they have in permitting restriction of women to ten per day. The principle of classification is, therefore, not that of sex, or age, but of bargaining power in protecting themselves against conditions which it is the interest of the public that they should be protected against."

(1) For a recent official statement of the attitude of the American Federation of Labor on this point, see p. 248.

In considering which industries should be included there was less difference of opinion. In legislation regulating hours of work, special industries had been selected according to the degree of physical strain involved, and a few states attempted to follow in general these classifications. It was finally recognized, however, that a "living wage" should at least cover the cost of living in *any* industry and should not be made to depend upon the kind of work a person was engaged in. The laws were therefore made to apply to all occupations, except in Colorado, where an enumerated list is given.

Federal Proposals. — Not in state legislatures alone were minimum wage bills considered. Several measures were introduced in Congress applying to employees in the District of Columbia, to employees of the Federal government and also to those engaged in interstate commerce. One measure, intended to regulate wage rates for both male and female employees in the District of Columbia (H. R. 1803, introduced April 7, 1913, by Representative Lafferty), provided for a commission of three members at an annual salary of $3,000 each, with powers similar to those of the Massachusetts commission except that the bill did not provide for subsidiary wage boards. Another bill (H. R. 4901, introduced May 8, 1913, by Representative Vare) applied to employees of the Federal government and required a minimum rate of $2 per day for all adult male employees, and $1.50 for all adult female employees. It also sought to prohibit the employment of all persons under the age of fourteen years.

At least two measures have been presented under which wage rates would be regulated for employees in interstate commerce. One was a flat-rate measure (S. 579, introduced April 9, 1913, by Senator Chilton), providing for a wage rate of not less than $9 a week for all females employed in interstate commerce, or in the production and manufacture of articles for interstate commerce. Hours of work were to be limited to eight a day and six days a week and no female under fifteen was to be employed. Penalties for violations were provided as well as provision for recovery of unpaid wages.

The second interstate commerce measure provided for a National Wage Commission consisting of one "wage commissioner" appointed for four years in each congressional district to whom complaints might be made if wages were deemed to be "of a nature insufficient, inequitable, or unjust in proportion to the work done and services rendered to the employer, or shall be insufficient and are not sufficient upon which the said person may live and maintain an existence in harmony with the spirit and organization of citizenship in America." Penalties were provided for violations, but no specific wage standard was given in the bill (S. 1925, introduced May 14, 1913, by Senator Lewis). No minimum wage measure for workers in private employments has at this writing been passed by Congress.

3. Analysis of American Laws.

The first minimum wage law for employees in private industries in America was enacted in Massachusetts in 1912. This law applied to females and minors under eighteen years of age and provided for an administrative commission of three members who, with the aid of subordinate wage boards for each industry, were to establish minimum wage rates for any industry which the commission found to be paying less than a living wage.

In the following year, 1913, as already indicated, minimum wage laws were enacted in eight additional states. Minnesota and Wisconsin, where bills had been introduced in 1911, enacted laws following the main administrative features of the Massachusetts act, although the administration of the Wisconsin measure was placed with the existing Industrial Commission and was made to conform to procedure under the commission law of which it was a part.

In Oregon, where a "social survey" had been made during the preceding year, the legislature in 1913 provided the legal machinery for the establishment of minimum wage rates by creating the State Industrial Welfare Commission. With very slight modifications, and under the same name, California and Washington in the same year created similar state bodies. Meanwhile, following a brief official investigation, the legislature in

Nebraska passed a bill similar to the Massachusetts law of 1912, and Colorado and Utah, caught up on the wave of popular sentiment, brought the number of states having minimum wage laws to nine before the end of 1913.

In addition to the minimum wage laws passed in 1913, several states created commissions to investigate the subject with a view to recommending legislation. In Connecticut the Commissioner of Labor was authorized to continue the investigation of woman and child labor in that state (begun by the Connecticut Industrial Commission of 1912) while the Industrial Commission of Ohio was required to make a special inquiry into the work of women and children in mercantile establishments. In Michigan and Indiana commissions were created to study the subject of woman's work, and in New York the Factory Investigating Commission was continued and authorized to investigate wage conditions.

Titles. — In naming their administrative bodies the nine minimum wage states have chosen three different titles. The three Pacific coast states, California, Oregon and Washington, have given to their commissions broader powers than that of fixing wage rates alone and have therefore selected the title, "Industrial Welfare Commission"; Massachusetts, Minnesota and Nebraska, where power has been given to fix wage rates only, have chosen the title, "Minimum Wage Commission"; while in Colorado the name "State Wage Board" was selected. In the two remaining states the minimum wage laws are administered by existing bodies: In Wisconsin by the Industrial Commission, and in Utah by the Commissioner of Immigration, Labor and Statistics who has power to enforce the flat-rate minimum named in the statute.(1)

Appointments, Organization, Appropriations. — The commissions or boards are composed of three members in all states except California and Washington, where five members were appointed, and in Nebraska where four were authorized. Members were appointed by the governors for terms of two or three years except

(1) See statement of the Commissioner, p. 208.

in Wisconsin, where the term of office is six years and the consent of the Senate is also necessary. Employers and employees must be represented on the commissions in Colorado, Minnesota, and Oregon, and in all states except Oregon, Washington and Wisconsin at least one member must be a woman. The Commissioner of Labor was specifically designated as a member in the laws of Washington, Nebraska and Minnesota. In no case is an annual salary provided for members, but necessary expenses are allowed, and in California and Massachusetts $10 a day is authorized in addition for actual service. Secretaries may be employed, and their salaries are to be determined by the commissions in all states except in Colorado where the law specifies $1,200 a year and in Minnesota where it is fixed at $1,800. The appropriations for the first year varied from nothing in Nebraska to $15,000 in California. Colorado, Minnesota and Washington appropriated $5,000 each; Massachusetts authorized $7,000 for 1913; Oregon appropriated $3,500; while Utah and Wisconsin made no specific appropriation since the minimum wage work is carried on by existing official departments.

Jurisdiction.— The jurisdiction of the commissions extends to all trades or occupations, except in Colorado, where the law applies only to mercantile and manufacturing establishments, laundries, hotels, restaurants, and telephone and telegraph offices. In Massachusetts, Nebraska and Colorado, the commissions are directed to investigate those industries in which they believe that wages paid are less than a living wage. Investigations are mandatory in all states except Oregon and Minnesota and they are mandatory in the latter state upon the request of one hundred persons in any occupation where women and children are employed. The laws apply to females and to male minors under eighteen in all states except Minnesota and Wisconsin where the age limit for males is twenty-one, and in Utah where the act applies only to females. The commissions have the power to determine minimum wage rates in all states; wage rates and *conditions of work* in Washington; and wage rates and *conditions and hours of work* in California and Oregon (and also in Wisconsin under a separate law).

Initial Investigation. — The initial investigation rests in all cases with the commission itself. Employers are required to keep records of the names and addresses of female and minor employees, of wages paid and hours of work, and to furnish information required by a commission. The commissions are given power to subpoena witnesses, administer oaths and examine books or records, and in California and Wisconsin a member may enter premises. In most states the Commissioner of Labor is required to cooperate in furnishing information. Rules of procedure are non-technical and are determined by the commissions themselves.

In California and Oregon the commissions may make recommendations for women and minors upon:

(1) Minimum wage rates;

(2) The number of hours of work consistent with health and welfare (not exceeding the maximum number fixed by statute law); and

(3) Standard conditions of work demanded for the protection of health and welfare.

In Washington the commission has authority only over wages and conditions of work. In Wisconsin, under separate acts, the statute law regulating hours of work for women applies only where hours have not been determined by the Industrial Commission itself after public hearings.(1) In California the commission is specifically forbidden to act as a board of arbitration during a strike or lockout.

In determining minimum wage rates the definitions as given in the laws are: In California "the necessary cost of proper living and to maintain the health and welfare"; in Colorado, "to supply the necessary cost of living, maintain them in health, and supply the necessary comforts of life", and the commission must also consider the "financial condition of the business"; in Massachusetts and Nebraska, the "necessary cost of living and to maintain the worker in health", and also the "financial condition of the occupation"; in Minnesota "to maintain the worker in health

(1) The Ohio Industrial Commission has similar power over hours of labor for men as well as for women and children.

and to supply him with the necessary comforts and conditions of reasonable life"; in Oregon and Washington the "necessary cost of living and to maintain the workers in health"; and in Wisconsin the term living wage is defined as a wage "sufficient to maintain himself or herself under conditions consistent with his or her welfare", and "welfare" is defined to include "reasonable comfort, reasonable physical well-being, decency, and moral well-being".

If a commission finds after investigation that wages paid are not sufficient to maintain the specified standard of living it may after a public hearing determine upon a minimum wage rate or it may establish a subordinate wage board, or, as it is called in Oregon and Washington, a "conference". These subordinate boards are mandatory only in Wisconsin, and in Massachusetts and Nebraska in so far as wage rates for women are concerned. In Colorado alone among the eight states having boards or commissions, there is no provision for a subordinate wage board, the state board itself determining minimum rates.

Subordinate Wage Boards. — On the subordinate wage boards in all states but Wisconsin, employers and employees must be represented by an equal number of members. In California a subordinate wage board must be composed of an equal number of each of these two groups with a representative of the commission; in Massachusetts, of at least six representatives of each, with one or more members from the public, but not to exceed one-half of the representatives of either of the other parties; in Minnesota there must be from three to ten of each and one or more representatives of the public, but not to exceed the number of either group of representatives, and at least one-fifth of the entire board membership must be women; in Nebraska, three representatives of employers and of employees including the members of the commission and three representatives of the public; in Oregon three of each with one or more of the commissioners; in Washington an equal number of each and one or more representatives of the public as in Minnesota; in Wisconsin the advisory wage board must be constituted "so as to fairly represent employers, employees and the public".

The method of selecting members of subordinate wage boards is left open in all states except Wisconsin where the representatives are to be appointed by the Industrial Commission. In all other states the commissions merely make rules and regulations governing the selection of representatives, although in Minnesota there is the additional provision that where practicable the representatives of the employers and employees are to be elected. Procedure under the subordinate wage boards is informal and usually determined by the commissions. The members are not paid except in California, where they receive $5 a day and expenses, and in Massachusetts and Nebraska, where they are paid at the same rate as jurors (in Nebraska, "jurors in the district court"), including necessary expenses.

Operation of Subordinate Wage Boards. — Upon the establishment of a wage board for any industry the results of the initial investigations of the parent commission are first transmitted to the subordinate body which may at once conclude as to minimum wage rates, or may demand further investigations. Additional results are to be again laid before the board for consideration and for determination as to what should be the minimum wage rate. After agreements have been reached by the subordinate board as to wages, hours or conditions of work, a report with recommendations must be made to the commission. The recommendations, or a part of them, may be accepted by the commission or they may be referred back to the wage board for further investigation, or a new wage board may be convened.

As soon as the report of the wage board has been accepted by the commission a public hearing must be held, preceded in California and Massachusetts by fourteen days notice, in Oregon by four weeks, and in Colorado and Nebraska by thirty days; if after public consideration no change is deemed necessary in the recommendations they are promulgated as orders which become effective after thirty days in Minnesota, Nebraska and Wisconsin, and after sixty days in California, Colorado, Oregon and Washington. But in California no order may be issued before April 1, 1914. In Massachusetts the names of employers refusing to accept the commission's findings may be published imme-

diately. The commissions may in all states, except Wisconsin, determine minimum wage rates for minors without the aid of subordinate wage boards.

Copies of orders issued by a commission must in all cases be forwarded to the employer concerned in the wage determination. In most of the states the employer is required to post in a conspicuous place where women or minors are employed, copies of all orders issued; and in California copies of orders must also be filed with the Commissioner of Labor.

Application of Wage Determinations. — Minimum wage rates may apply either to time or to piece work, and in Minnesota orders may be issued for a given locality or area. In Wisconsin the Industrial Commission has power to classify industries for the purpose of adjusting wage rates.

The commission in each state is authorized to make special exemptions for defectives — the old, crippled or those otherwise physically incapacitated. This power applies only to women, however, except in Wisconsin, where minors are also included. In California exemption licenses for defectives may be renewed every six months. Special licenses may also be issued to learners and apprentices in all states except California and Colorado, and in Oregon and Washington a time limit may be fixed for the licenses of learners and apprentices.

In Wisconsin any minor in an occupation for which a living wage has been established and which is a "trade industry" involving mechanical skill and training, must, if he has acquired no trade, be indentured in a "trade industry" as determined by the Industrial Commission and as provided for in the statutes. Any minor in Wisconsin not in a trade industry and who has no trade, but is working in an industry for which a wage rate has been established, is subject to the same regulations as are minors between the ages of fourteen and sixteen under the child labor law (an eight hour day, a six day week, and night work prohibited between six at night and seven in the morning).

Rehearings. — If any person objects to the rulings of the commission, rehearings may be granted upon the petition of any per-

son from either side, except in Colorado, where appeals lie direct to the courts. In Minnesota a rehearing is mandatory upon the request of one-fourth of the employers or employees in any occupation in which a wage determination has been made. In Wisconsin no special provision has been made for rehearings but procedure would be the same as in the case of other rehearings under the Industrial Commission.

Enforcement and Penalties. — The commissions, except in Colorado, are specifically authorized to enforce all wage rulings. In California and Washington no power is given to enforce rulings concerning hours and conditions of work, these two subjects falling directly within the authority of the State Labor Commissioner. Penalties are provided in all states for an employer who fails to pay the minimum wage or who violates any part of the act or any of the commissions' rulings, and also for an employer who discriminates against any employee who has testified before the commission, or who is about to testify or who the employer believes is about to testify.(1) These penalties, which are given in detail in the table on page 24, range from $10 to $100 for a violation of the act, and from $25 to $1,000 for discrimination against any employee testifying before the commission. An employee who has not been paid the required minimum wage rate and who is entitled to it may recover in a civil action the unpaid balance except in Massachusetts and Nebraska, where the enforcement of the determinations establishing a minimum wage rate differs from that in any of the other states, since in these two instances alone recommendations cannot be issued as orders. In these two states, when a minimum wage rate is agreed upon the commission must publish its findings (after thirty days in Nebraska) in a given number of papers throughout the state. The publication also, in a specified number of newspapers, of the names of those employers who refuse to pay the minimum rate agreed upon is mandatory in Nebraska but merely optional in Massachusetts. No publisher is liable to any action for damages, except in case of wilful misrepresentation. Any publisher in

(1) See proposed amendment to this section of the Massachusetts Act, p. 201.

either state refusing to print the names of such employers is subject to a fine of $100.

In these two states, also, an employer may appeal to the court to have the commissions' rulings in his particular case set aside, by filing a declaration under oath, in Nebraska that "compliance with such decree would endanger the prosperity of the business", and in Massachusetts that compliance "would render it impossible for him to conduct his business at a reasonable profit". In Nebraska court review is authorized under the rules of equity procedure and if the court sustains the plaintiff it may issue an order revoking the commission's rulings. In Massachusetts the appeal is authorized in the supreme judicial court or the superior court and the burden of proof is placed upon the complainant. If, in Massachusetts, the court sustains the complainant it may issue an order restraining the commission from publishing the name of the employer paying less than the minimum agreed upon, but the court's order cannot apply to any employer except the one entering complaint.

Court Review. — In Minnesota, alone, no special provision for court review is made. In all other states except Utah procedure and the subjects for review are definitely specified. In Oregon and Washington, only questions of law may be reviewed (1); in addition, in California, the rulings of the commission may be set aside only if they were secured by fraud or if the commission acted without its powers; in Colorado and Wisconsin rulings may be set aside if unreasonable or unlawful; in Massachusetts if compliance would prevent a "reasonable profit", or in Nebraska if compliance would be "likely to endanger the prosperity of the business"; cases may be brought against the commission only in a superior court (see table on page 193). In most instances the facts found by the commissions are presumed to be reasonable and lawful and any new evidence must be referred back to the commission for consideration.

(1) See court decision in case of Frank C. Stettler v. Edwin V. O'Hara, Bertha Moores and Amedee M. Smith, constituting the Industrial Welfare Commission of the State of Oregon, p. 269.

COMPARATIVE TABLE OF AMERICAN MINIMUM WAGE LAWS.

MAIN PROVISIONS OF MINIMUM WAGE LAWS IN THE UNITED STATES.

SUBSTANTIVE F ATURES.

STATE.	INDUSTRIES COVERED.	EMPLOYEES COVERED.
CALIFORNIA: C. 324, Laws 1913. In effect, August 10, 1913.	All.	Women, and minors under 18.
COLORADO: C. 110, Laws 1913. In effect, August 12, 1913.	Mercantile, manufacturing, laundry, hotel, restaurant, telephone or telegraph.	Same as California.
MASSACHUSETTS: C. 706, Laws 1912. In effect, July 1, 1913. Am'd Cs. 330, 673, L. 1913. In effect, March 21, July 1, 1913.	All.	Same as California.
MINNESOTA: C. 547, Laws 1913. In effect, June 26, 1913.	All.	Women, and minors under 21.
NEBRASKA: C. 211, Laws 1913. In effect, July 17, 1913.	All.	Same as California.
OREGON: C. 62, Laws 1913. In effect, June 2, 1913.	All.	Same as California.
UTAH: C. 63, Laws 1913. In effect, May 13, 1913.	All.	"Females".
WASHINGTON: C. 174, Laws 1913. In effect, June 13, 1913.	All.	Same as California.
WISCONSIN: C. 712, Laws 1913. In effect, August 1, 1913.	All.	Women and minors.

MAIN PROVISIONS OF MINIMUM WAGE LAWS IN THE UNITED STATES — (*Continued*).

SUBSTANTIVE FEATURES — *Continued.*

STATE.	PRINCIPAL OF WAGE DETERMINATION.	EXCEPTIONS FOR DEFECTIVES.	EXCEPTIONS FOR LEARNERS.
CALIFORNIA.	"Necessary cost of proper living and to maintain the health and welfare".	Special license, women only, renewable semi-annually.	None.
COLORADO.	"Necessary cost of living, maintain them in health, and supply the necessary comforts of life" and "financial condition of the business".	Special license, women only.	None.
MASSACHUSETTS.	"Necessary cost of living and to maintain the worker in health" and "financial condition of the occupation".	Same as Colorado.	Special rates for learners and apprentices.
MINNESOTA.	"Wages sufficient to maintain the worker in health and supply him with the necessary comforts and conditions of reasonable life".	Special license, women only, limited to 10 per cent of employees in any establishment.	Same as Massachusetts.
NEBRASKA.	Same as Massachusetts.	Same as Colorado.	Same as Massachusetts.
OREGON.	"Necessary cost of living and to maintain the workers in health".	Same as Colorado.	Same as Massachusetts.
UTAH.	Experienced adults, $1.25 a day, fixed by act.	None.	Females under 18, 75 cents a day; adult learners and apprentices, 90 cents a day, fixed by act.
WASHINGTON.	Same as Oregon.	Same as Colorado.	Special license, with time limit fixed by commission.
WISCONSIN.	"A wage sufficient to maintain himself or herself under conditions consistent with his or her welfare".	Special license, women and minors.	Minors in a "trade industry" must be indentured.

MAIN PROVISIONS OF MINIMUM WAGE LAWS IN THE UNITED STATES — (*Continued*).

SUBSTANTIVE FEATURES — (*Concluded.*)

STATE.	PENALTY: 1. FOR VIOLATION. 2. FOR DISCRIMINATION.[1]	APPROPRIATION.
CALIFORNIA.	1. Minimum, $50, imprisonment for 30 days, or both; (and employee may sue for wage balance). Applies to wage rulings only. 2. A misdemeanor.	$15,000 annually.
COLORADO.	1. Maximum, $100, imprisonment for 3 months, or both; (and employee may sue for wage balance). 2. For each offense, $25.	$5,000 annually
MASSACHUSETTS.	1. Commission may publish name in newspapers ($100 for newspapers refusing to publish). 2. For each offense, $200–$1,000.	$7,000 for 1913.
MINNESOTA.	1, 2. For each offense, $10–$50, or imprisonment for 10 to 60 days; (and employee may sue for wage balance).	$5,000 annually.
NEBRASKA.	1. Commission must publish names in newspapers ($100 for newspapers refusing to publish). 2. For each offense, $25.	None.
OREGON.	1. $25–$100, imprisonment 10 days to 3 months, or both; (and employee may sue for wage balance). 2. $25–$100.	$3,500 annually.
UTAH.	1. A misdemeanor.	No special provision.
WASHINGTON.	1. $25–$100; (and employee may sue for wage balance). 2. For each offense, $25-$100.	$5,000 annually.
WISCONSIN.	1. For each offense, $10–$100. 2. For each offense, $25.	General for Industrial Commission.

[1] The penalty for discrimination is for the employer who "discharges or in any way discriminates against any employee because such employee has testified, or is about to testify or because the employer believes that the employee may testify, in any investigation or proceeding" relative to the enforcement of the act.

Main Provisions of Minimum Wage Laws in the United States — (*Continued*).

ADMINISTRATION — CHIEF ADMINISTRATIVE BODY.

State.	Name.	Personnel.
California.	Industrial Welfare Commission.	5 persons, 1 a woman. (May engage secretary and necessary assistants).
Colorado.	State Wage Board.	3 persons: 1 labor representative, 1 employer, 1 woman. (May engage secretray).
Massachusetts.	Minimum Wage Commission.	3 persons, 1 a woman. (May engage secretary).
Minnesota.	Minimum Wage Commission.	3 persons: commissioner of labor, 1 employer of women, 1 woman secretary.
Nebraska.	Minimum Wage Commission.	4 persons: governor, deputy commissioner of labor, professor of political science in state university, 1 citizen of state (1 a woman).
Oregon.	Industrial Welfare Commission.	3 persons: 1 representative of employing class, 1 of employed class, 1 of public. (May engage secretary).
Utah.	Commissioner of Immigration, Labor and Statistics.	
Washington.	Industrial Welfare Commission.	5 persons: commissioner of labor, 4 disinterested citizens. (May engage secretary).
Wisconsin.	Industrial Commission.	3 persons. (May engage assistants).

MAIN PROVISIONS OF MINIMUM WAGE LAWS IN THE UNITED STATES — (*Continued*).

ADMINISTRATION — CHIEF ADMINISTRATIVE BODY — (*Continued*).

STATE.	APPOINTMENT AND COMPENSATION.	INVESTIGATION.	
		INITIATION. 1. ORIGINAL INQUIRY. 2. REHEARINGS.	POWERS.
CALIFORNIA.	By governor, for 4 years. $10 a day and expenses.	1. By commission, or upon petition. 2. By commission, or upon petition of employers or employees.	Subpoena witnesses, administer oaths, examine books, enter premises.
COLORADO.	By governor, for 2 years. Expenses up to $1,300 annually; secretary, $1,200 annually.	1. By commission. 2. None provided.	Subpoena witnesses, administer oaths, examine books.
MASSACHUSETTS.	By governor, for 3 years. $10 a day and expenses.	1. Same as Colorado. 2. Upon petition of employers or employees.	Same as Colorado.
MINNESOTA.	Same as Colorado. Expenses; secretary, $1,800 annually.	1. By commission, or at request of 100 employees. 2. By commission, or at request of one-fourth of the employers or employees in an occupation.	Same as Colorado.
NEBRASKA.	Same as Colorado. Expenses.	1. Same as Colorado. 2. Same as Massachusetts.	Same as Colorado.
OREGON.	Same as Massachusetts. Expenses.	1. Same as Colorado. 2. None provided.	Same as Colorado.
UTAH.	By governor, with consent of senate, for 2 years. $1,800 and $500 expenses, annually.		
WASHINGTON.	Same as California. Expenses.	1. Same as Colorado. 2 Same as Massachusetts.	Same as Colorado.
WISCONSIN.	By governor, with consent of senate, for 6 years. $5,000 annually, and expenses.	1. By commission, or upon complaint. 2. No special provisions.	Same as California.

MAIN PROVISIONS OF MINIMUM WAGE LAWS IN THE UNITED STATES — (*Continued*).

ADMINISTRATION — CHIEF ADMINISTRATIVE BODY — (*Concluded*).

STATE.	AUTHORITY: 1. TO DETERMINE. 2. TO ENFORCE.	COURT REVIEW: 1. COURT 2. GROUNDS FOR SETTING ASIDE RULING.
CALIFORNIA.	1. Minimum wages, maximum hours, and conditions of labor.[2] 2. Wage rulings, upon complaint.	1. Superior court, on questions of law only. 2. If procured by fraud or if the commission acted outside its powers.
COLORADO.	1. Minimum wages.	1. District court on questions of law only. 2. If unlawful or unreasonable.
MASSACHUSETTS.	1. Same as Colorado. 2. Its rulings (see "Penalty").	1. Supreme judicial court, or superior court. 2. If compliance would prevent a "reasonable profit".
MINNESOTA.	1. Same as Colorado. 2. The act.	None provided.
NEBRASKA.	1. Same as Colorado. 2. Same as Massachusetts.	1. District court. 2. If compliance "is likley to endanger the prosperity of the business".
OREGON.	1. Same as California. 2. All rulings.	1. Circuit court, on questions of law only.
UTAH.	1. None. 2. Same as Minnesota.	None.
WASHINGTON.	1. Minimum wages and conditions of labor. 2. Same as California.	1. Superior court, on questions of law only.
WISCONSIN.	1. Minimum wages, maximum hours (C. 381, L. 1913), and conditions of labor (C. 485, L. 1911). 2. Wage rulings, upon complaint, other rulings directly.	1. Circuit court, on questions of law only. 2. If unlawful or unreasonable.

[2] The California law is the only one which forbids the commission to act as a board of arbitration during a strike or lockout.

MAIN PROVISIONS OF MINIMUM WAGE LAWS IN THE UNITED STATES — (*Concluded*).

ADMINISTRATION — SUBORDINATE BODY.[3]

STATE.	NAME.	PERSONNEL.	APPOINTMENT AND COMPENSATION.
CALIFORNIA.	Wage board.	Equal number representatives of employers and employees, and a representative of the commission.	By commission's rules (optional). $5 a day and expenses.
COLORADO.	None.		
MASSACHUSETTS.	Wage board.	At least 6 representatives of employers, 6 of employees, and one or more representatives of public.	By commission's rules (only in case of women, then mandatory). Same rate as jurors.
MINNESOTA.	Advisory board.	3–10 representatives of employers, equal number of employees, and 1 or more representatives of public; at least one-fifth women.	By commission's rules election when practicable; (optional). None.
NEBRASKA.	Wage board.	At least 3 representatives of employers, 3 of employees, and the 3 appointed members of the commission.	By commission (only in case of women, then mandatory) Same as jurors in district court.
OREGON.	Conference.	Not more than 3 representatives of employers, 3 of employees, 3 of public and 1 or more commissioners.	By commission (only in case of women, then optional). None.
UTAH.	None.		
WASHINGTON.	Conference.	Equal number of representatives of employers and employees, and 1 or more representatives of public.	By commission's rules (only in case of women, then optional). None.
WISCONSIN.	Advisory wage board.	"So as fairly to represent employers, employees and the public".	By commission (mandatory). None.

[3] In all cases the functions of the subordinate body are advisory only, its operations are confined to the industry in question, and its rules of procedure are determined by the commission.

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4. Operation of American Laws.

Although the majority of the minimum wage laws were in effect by the summer of 1913, but little progress was made that year in any state except Oregon, where minimum wage rates for certain classes of industry were established as reprinted below. In Colorado and Nebraska, as late as February, 1914, the commissions had not yet been appointed. In all other states, however, developments are so rapidly taking place that at this time it is safe only to make a preliminary statement concerning methods and results.

Commissions in America began work along two different lines. In one case the English and colonial method was followed, whereby wage boards were created for each particular industry. In the other case, one entire class of industries, as manufacturing or mercantile establishments, was taken up as a whole. This latter method was the one followed in Oregon, Washington and Minnesota, while the former method was followed in Massachusetts and California. In Wisconsin the Industrial Commission was given power to classify occupations and to appoint advisory boards for each class when deemed necessary by the commission.

Oregon.

The Oregon Industrial Welfare Commission began its work on June 3, 1913. It was the first of the state commissions to organize. Previous to the enactment of the minimum wage law an intensive investigation had been made into conditions of work and wages of women and minors in Oregon. The commission was prepared almost immediately, therefore, for wage conferences in mercantile and manufacturing industries, and on August 5 issued the following first American minimum wage order to take effect October 4, 1913:

Order No. 1.

1. No girl under the age of eighteen years shall be employed in any manufacturing or mercantile establishment, millinery, dressmaking or hair dressing shop, laundry, hotel or restaurant, telephone or telegraph establishment or office

in the State of Oregon more than eight hours and twenty minutes during any one day or more than fifty (50) hours in any one week.

2. No girl under the age of eighteen shall be employed in any one of the above named occupations after the hour of six o'clock P. M.

3. A minimum wage of one dollar ($1) a day shall be established for girls between the ages of sixteen (16) and eighteen (18) years, working in the above mentioned occupations except as otherwise arranged by the Commission in the cases of apprentices and learners.

On September 10 the Commission made the following second order in regard to women in manufacturing establishments, to take effect November 10, 1913:

Order No. 2.

No person, firm, corporation or association owning or operating any manufacturing establishment in the city of Portland, Oregon, shall employ any women in said establishment for more than nine hours a day, or fifty-four hours a week; or fix, allow or permit for any woman employee in said establishment a noon lunch period of less than forty-five minutes in length; or employ any experienced, adult, woman worker, paid by time rates of payment, in said establishment at a weekly wage of less than $8.64, any lesser amount being hereby declared inadequate to supply the necessary cost of living to such women factory workers, and to maintain them in health.

The third order, issued September 23, applies to women in mercantile establishments, and became effective November 23, 1913:

Order No. 3.

No person, firm or corporation owning or conducting any mercantile establishment, in the city of Portland, Oregon, shall pay to any experienced, adult woman worker a wage

less than nine dollars and twenty-five cents ($9.25) a week. Nor shall any such person, firm, or corporation owning or conducting any mercantile establishment in the city of Portland, Oregon, employ any woman worker in such mercantile establishment more than eight (8) hours and twenty (20) minutes in any day, and fifty (50) hours in any week, or after the hour of six (6) o'clock in the afternoon of any day.

It was later found necessary to amend Order No. 3 by extending the closing hour from 6 P. M. to 8 P. M. for six months after November 23, but five of the larger department stores complied with the six o'clock closing rule after January 1, 1914. In view of the fact that these orders established a working day of eight hours and twenty minutes for minors in manufacturing establishments while permitting a nine hour day for adult females, the Commission issued the following notice:

PORTLAND, OREGON, *September* 17, 1913.

Notice is hereby given that in establishments where minors are working together with adults, and the enforcement of an eight hour and twenty minute maximum day for female minors would cause them to be dismissed, this Commission will receive application from the establishment for permit allowing female minors to work the same hours as the adults in the establishment in which minors are employed. Such application should show that such hours are not excessive in view of the work required.

INDUSTRIAL WELFARE COMMISSION.

The form of permit issued by the Commission is as follows:

PORTLAND, Oregon....., 19...

The Industrial Welfare Commission of the State of Oregon hereby permits the employment of female minors at..... ....., located at....., Oregon, for more than
(Name of Establishment)
eight hours and twenty minutes a day, but not to exceed nine hours a day.

This permit may be cancelled at any time by the Commission should it be shown that nine hours of employment a day is detrimental to the health of such female minor employees in view of the character of the work they are called upon to perform.

....., *Secretary.*

In the meantime wage conferences had been held and information had been secured on the subjects of the six-day week, night work, and the length of time a woman worker may be deemed to be inexperienced — the period of apprenticeship or of learning before she is entitled to receive the minimum wage. On December 3d and 9th, respectively, 1913, the following orders were issued:

Order No. 4.

(1) No person, firm, corporation or association shall employ any experienced, adult woman in any office, or at office work, in the city of Portland for more than fifty-one hours in any week, nor at a wage rate of less than forty dollars ($40.00) a month.

(2) The following classes of work are included under this ruling as office work:

Stenographers, bookkeepers, typists, billing clerks, filing clerks, cashiers (moving picture theatres, restaurants, amusement parks, ice cream stands, etc.), checkers, invoicers, comptometer operators, auditors, and all kinds of clerical work.

Said Order shall become effective from and after February 2, 1914.

Order No. 5.

(1) No person, firm or corporation shall employ any experienced, adult woman in any industry in the State of Oregon, paid by time rate of payment, at a weekly wage rate of less than eight dollars and twenty-five cents ($8.25) a week, any lesser amount being hereby declared inadequate to supply the necessary cost of living to such women workers and to maintain them in health.

(2) Nor shall any such person, firm or corporation employ women in any industry in the State of Oregon for more than fifty-four (54) hours a week.

(3) Nor shall any such person, firm or corporation pay inexperienced, adult women workers employed by time rate

of payment, at a rate of wages less than six dollars ($6.00) a week. And the maximum length of time such workers may be considered inexperienced in any industry shall not exceed one year.

(4) No person, firm or corporation owning or conducting any mercantile, manufacturing or laundry establishment in the State of Oregon shall employ women workers in such establishment later than the hour of eight-thirty (8:30) o'clock P. M. of any day. This hour of dismissal does not apply to telephone and telegraph companies, confectionery establishments, restaurants and hotels.

Said Order shall become effective from and after February 7, 1914.

The Oregon law was the first to be carried into the courts and the favorable decision of the Supreme Court will be found on p. 103.

California.

The California law fixed April 1, 1914, as the first date upon which determinations might become effective, but investigations were undertaken earlier by industries as in Massachusetts, and preliminary conferences were held in order to interest and inform the employers. In California the Commission has authority to fix maximum hours, minimum wages and conditions of work. The industries first selected for standardizing were laundries, retail stores, confectionery manufacture, and the canneries.

Massachusetts.

In January, 1912, the Massachusetts Commission, authorized the previous year to study the wages of women and minors and to advise as to the need of minimum wage legislation, made a report on investigations of conditions in the confectionery industry, retail stores and laundries. When the permanent wage commission began its work on July 1, 1913, it undertook investigations into the small brush-making industry, and into the larger corset and confectionery industries.

The brush-making investigation was the first to be completed and a wage board was formed. In arranging for this first wage board the Commission said: "It was the policy of the Commission to appoint the members of the wage board in such a way that it might be as widely representative as possible. To this end, every manufacturer in the state was asked to make nominations. Nominations were also called for from the workers and efforts were made to secure representatives from the different groups and nationalities among them. The invitations to make nominations were responded to in two cases by the manufacturers, in each of which appointments followed, and in three cases by the workers, as a result of which two appointments were made. Although the manufacturers failed to make a sufficient number of nominations to constitute their representation, they were nevertheless (with a single exception) ready to accept appointment. The workers were likewise willing to serve, but some of them labored under a serious handicap in their apprehension that their activities upon the board might affect the tenure of their positions. The Commission is glad to say that in the main this apprehension proved without foundation. Aside from the protection afforded by the statute itself, the co-operation on the part of employers which has been mentioned in connection with the gathering of information was conspicuous here also. That there should have been one apparent exception is not surprising, though regrettable. That there should have been only one, is a tribute to the good sense and public spirit of the employers in this industry and is matter for congratulation. In the one instance, however, two workers who were appointed to the wage board were 'laid off' immediately after their appointment. This apparent defiance of the letter and spirit of the statute is now receiving the attention of the Commission."

An attempt to prevent such occurrences was made through a proposed amendment to the present law. This amendment (H. 74, 1914) placed a penalty upon employers who discriminate against any employee who serves upon a wage board, and also gave the Commission final power in selecting members of wage boards. The amendment to section four provided that:

"The Commission shall have absolute and final power in determining who shall be members of any wage board, and may fill any vacancy in the membership of any wage board at any time occurring. In selecting the members to represent the female employees in any occupation, the Commission shall, so far as it deems practicable, ascertain what persons are desired by said female employees as the representatives of said female employees on said board; and similarly in its selection of members to represent the employers it shall, so far as it deems practicable, ascertain what persons are desired by said employers as their representatives".

The amendment to section thirteen provided a penalty of $200 to $1,000 for an employer who discharged or discriminated against any employee who has served

"or is about to serve upon a wage board, or has given or is about to give information concerning the conditions of such employee's employment, or because the employer believes the employee may testify, or may serve upon a wage board, or may give information concerning conditions of the employee's employment".

In describing the activities of the commission, the first annual report states that

"During the six months of the commission's activity, from July 1, 1913, to January 1, 1914, investigations have been made into the wages of women employees in three industries, the brush industry, the corset industry, and the confectionery industry,(1) and have been begun in other industries. The industries were chosen on account of the large proportion of women workers among the employees and the low level of wages indicated by such available material as the reports of the Bureau of Statistics, especially Manufactures 1911, and various other special reports. In

(1) The analysis of the data concerning the confectionery industry has not yet been compiled, consequently the results are not available for the present report.

the case of brushes and corsets, a study was made of every establishment within the State which employs women, in so far as the names and locations of such establishments could be ascertained.

"The Commission has held it of first importance to inform itself to the fullest possible extent regarding the elements of the labor contract; the wages paid and the corresponding occupations and hours. A transcript of the pay roll for the past fifty-two weeks was taken by agents of the commission for all female employees. Where the earnings are determined by piece rates, a schedule of such rates for the various occupations in each establishment was secured. Books were defective or in such condition that only partial records were obtainable in a small number of cases, but on the whole the pay rolls appeared to be accurately kept. In all, wage records for the fifty-two weeks preceding the investigations were taken for 6,926 women employees, 837 of these for brush workers, 2,388 for women employed in the corset factories and 3,701 for women at work on candy. For a large number of these, personal data regarding age, birthplace, family and living conditions was also obtained. In addition, a careful study was made of each process in which women are engaged, whether performed by hand or machine.

"According to analysis of the results of the separate industries, a considerable number of women workers are receiving a wage which is inadequate to supply them with the necessaries of life. Almost exactly two-thirds of the brush workers for whom wage records were available received an average for the year of less than $6 a week. A smaller proportion of corset workers, 35.5 per cent., received less than $6 a week. The sum named is lower than the minimum amounts usually named as necessary to maintain a normal, healthy existence for women workers.

"In connection with these statements, however, the failure of many employers to keep records of the number of hours worked must be taken into consideration. In both the brush and corset industries, records of hours worked were available for only a small proportion of the employees, and in

many cases for only a few weeks immediately preceding the investigation. The statement is made by certain manufacturers that not only do a large number of the employees work for only part time, but also that failure to work for full time is due, not to lack of work in the factory, but to choice on the part of the workers. Consequently the amount received at the end of the week is frequently smaller than the sum which the workers might have earned had they been employed for full time. The work of the commission has been handicapped to some extent by this defect in the records, since the average earnings and the length of the average week could be related in so small a proportion of cases. Fortunately such difficulties will be lessened after the present year, owing to the passage of the law requiring employers of labor in manufacturing and mercantile establishments to keep time books showing the number of hours worked by all employees each day.(1)

"With very few exceptions, the manufacturers have shown the fullest co-operation and have facilitated in every way the work of the commission and its agents. The commission wishes to make acknowledgement of the many courtesies which have been extended by manufacturers and their representatives.

"It has been the endeavor of the commission to carry on its study with the least possible disturbance to the industries, consistent with its purpose to inform itself thoroughly as to the facts of the wage situation."

Minnesota.

In Minnesota the commission began its work by investigating mercantile and manufacturing establishments, following the method adopted in Oregon. The preliminary investigation into mercantile establishments was completed in January, 1914, and a wage board was formed, consisting of twenty-five members — ten employers from the larger department stores of Minneapolis and St. Paul, ten representatives of employees and five repre-

(1) C. 619, Acts of 1913.

sentatives of the public. Early in January on a Sunday afternoon a large mass meeting of employees, followed by a luncheon, was held in the state capitol at St. Paul to interest and instruct the workers in regard to the operation of the law.

By the first of March the board had held four meetings and had appointed four committees, one to determine the cost of board and lodging; one to determine the cost of clothing; one to determine the period of apprenticeship; and one to determine what should be included under miscellaneous expenses.

The investigation into manufacturing industries was next undertaken by the commission, and a wage board brought together. The commission, for the most part, secured its information concerning wages received and the cost of living by circulating among employees blanks which were returned to the commission when filled out. Information concerning wages paid was secured from employers who furnished copies of their pay-rolls.(1)

Upon the formation of the first wage board (for mercantile industries) the board requested from the attorney-general his opinion on the following list of questions:

> Whereas, It is not entirely clear what powers and duties the commission or ourselves as an advisory board have, or by what methods we shall proceed, in the matter of fixing a living wage, and it is advisable in order that time may be saved and we may do our work speedily and to the best advantage that we be advised upon those matters at once;
>
> Now, therefore, be it resolved that we request the commission to submit the following questions to the attorney-general for his answer in writing so that we may have them before us for our guidance in our work.
>
> 1. Must not the commission fix a minimum wage in the "occupation" for the entire state at one time? It is claimed by some that the action of the commission must be with reference to and for the entire state, though in fixing

(1) In an eighty-four page pamphlet, issued February 2, 1914, Rome G. Brown, of Minneapolis, attacked the practicability and constitutionality of the Minnesota law.

the actual minimum it may vary the minimum in different parts of the state; but though the minimum may differ in various parts of the state they must all be fixed at the same time and as part of the same investigation and proceeding. Answer — No.

In other words, can the commission investigate the minimum wage in any "occupation" and act upon it within a district less in extent than the entire state? Answer — Yes.

2. Section 5 provides that the commission shall establish a minimum rate of wages for an "occupation" after careful investigation, the commission is of opinion the wages paid to one-sixth or more of the women or minors employed therein are less than living wages. Can the commission fix a minimum wage unless upon such investigation they find that at least one-sixth of the women or minors employed in the "occupation" within the state are receiving less than living wages? Answer — No.

Must they find that one-sixth or more of the women are receiving less than living wages before they can fix minimum wages for women, and that one-sixth or more of the minors employed in the "occupation" throughout the state are receiving less than living wages before they can fix the minimum wage for minors? Answer — No.

Or, can they consider women and minors as belonging to the same class and fix minimum wages for each if they find one-sixth of the aggregate number of women and minors are receiving less than living wages? Answer — Yes.

Must the commission fix a minimum for both women and minors in the "commission", if they fix a minimum for either? Can the minimum fixed for women differ in amount from that fixed for minors in the same "occupation" and, if so, on what basis must the difference be fixed? Answer — Yes. Respective cost of living of the two.

Can the commission fix a different minimum for male and female minors in the same "occupation"? Answer — No.

3. What is an apprentice or learner? (This question is answered by paragraph 6 of section 20 of the act itself.) By what rule shall the commission determine what is an apprentice, and what is a learner? (See above answer.)

Must the minimum for apprentices be the same as for ordinary workers? Answer — Yes. (See paragraph 7, section 20 of the law.) If not, on what basis must the commission fix the minimum for apprentices, if the cost of living is to determine the wage?

4. Must the commission make the minimum apply to all classes without regard to the necessity of the class or of the individual in the class? Answer — That depends upon facts and applies to all as defined in paragraph 8, section 20 of the law. By what rule, if any, is the commission to determine what is necessary to maintain the worker in health, and what are the necessary comforts and conditions of reasonable life? Answer — This is by ascertaining the minimum cost of living.

Can the minimum wage be varied or fixed, having in mind the ability of the employer to pay the wage, and having in mind the necessity of the employee to contribute to the support of a family or others dependent? Answer — The attorney-general concluded the commission had nothing to do with this matter.

Must not the wage be fixed solely with reference to the actual needs of the employee of ordinary ability for a decent livelihood for the employee alone, without allowing anything to enable the employee to contribute to the support of a dependent, and without allowing anything for education or amusement or for clothing or housing beyond that which will afford a minimum of comfort and amusement. (See subdivision 1, paragraph 1, section 20, of the law.)

Can the commission in fixing a minimum wage allow anything off or in reduction because of the advantages, educational or otherwise, which the employee gets from the particular employment? Answer — Probably not.

5. In case the commission should promulgate a wage rate which was unsatisfactory to some employer or employers, could the employer so objecting be compelled to comply? Answer — Yes. I think that the mere fact that the rate was not satisfactory to some employer would not excuse him from complying.

Would a rate fixed by the commission in the manner provided by the Minnesota Minimum Wage Statute be enforcible? Answer — Yes.

May we not expect that the court would hold it unenforcible? Answer — No. The right to rule upon this is left for the courts.

[In regard to the first two questions asked: "Must not the commission fix a minimum wage in the 'occupation' for the entire state at one time? In other words, can the commission investigate the minimum wage in any 'occupation' and act upon it within a district less in extent than the entire state"— these questions were taken up in conference by the attorney-general and the six assistants, and it was the unanimous opinion of the department that the acts of the commission must be state wide and it must be all done at one time.]

ADDITIONAL QUESTIONS.

1. The first point is — can a minimum wage per week be divided into half time, time by the day, or time by the hour? Answer — I think "yes."

2. Can an employer offset against a minimum wage the value of instruction given to an apprentice or learner? Answer — No.

3. When a *business* is so conducted that the branches of an ordinary trade are exercised within the business plant, does the minimum wage in that business control all employees, or does the minimum wage apply in the occupations which are grouped together in such business? Answer — To the group.

Utah.

The Utah law, the only flat-rate measure enacted, provides for the payment of a minimum of seventy-five cents a day for females under eighteen, ninety cents for adult learners and apprentices, and one dollar and twenty-five cents a day for female adults. The law became effective May 13, 1913, and the following statement, under date of January 20, 1914, from the Commissioner of Immigration, Labor and Statistics, who enforces the act, is of particular interest:

> "Our office has investigated some two hundred or more cases of alleged violations of the minimum wage law since May 13, 1913, which have had any merit and a number that had not. We knew that it was the prime object of the law makers to secure for the girls and women affected an increase of wages and in enforcing the law we have always endeavored to look after the interests of the employees first. For this reason, where we find violations, we first give the employers an opportunity to make good to their employees any shortage of wages between what they had been paying and what they were legally required to pay. In some cases, we have secured to a single employee as high as $57 in back wages. The employers preferred to pay this money rather than stand trial with the liability of paying a heavy fine and costs of prosecution, besides the ignominy of being cheap men. In the above manner, we have collected over $6,000 in back pay to employees and up to the present time we have had to bring four prosecutions, three of which we have won and one is still pending."

Writing late in 1913, the same commissioner said:

> "The minimum wage law for females went into effect in Utah on May 13th of the present year. About a month prior to the law's becoming effective, copies were sent to every known employer of female labor within the state with a notification that on and after the date of its effectiveness, the law would be strictly enforced.

"Approximately, there are 11,500 female workers employed in professional and business offices, stores, factories, mills and laundries in our state, not including canning establishments, where the periods of operation are from one to four months only. About 7,000 of these workers are employed in Salt Lake City. About 6 per cent. of the female employees, prior to the operation of this law, were under eighteen years of age. Approximately 10 per cent. of the total number of women workers came under that classification of our law classed as adult learners and apprentices with less than one year's experience in the line of work which they are at present engaged in.

"The principal businesses affected by the law are the mercantile, candy, knitting, paper box and overall factories, the woolen mills, laundries, millineries, hotels and telephone companies.

"Of the employees under eighteen years of age, constituting about 6 per cent. of the 11,500, a majority were employed as cash girls and wrappers in the department stores and received about $4 per week, a few less. The minimum wage raised the wages of this class to $4.50 per week. A number of the department stores supplanted cash girls with cash boys whom they pay $4 a week or $18 per month. Many millinery stores that were paying girl apprentices from $2.50 to $5 per week also weeded out those who were the least proficient. In the knitting, candy, paper box and overall factories, and woolen mills where the piece system is in vogue, a few girls were discharged who could not reach the minimum wage in their respective classes named in our law. This number, however, was not over 3 per cent. of the whole number employed therein.

"In the inexperienced adult class, those women over eighteen years of age with less than one year's experience as sales ladies or as apprentices in millinery stores and factories, were affected to a considerable extent. The law requires that this class shall be paid not less than ninety cents per day. Many within this classification were drawing

about the same wage as was paid inexperienced girls who were under eighteen years of age. In some cases, the older girls in the ninety cents per day class were no better sales ladies than their younger sisters. Of this class, constituting 10 per cent. of the female employees in our state, as stated above, the wages of about 3 per cent. were raised to meet the minimum wage.

"While the law did not become effective until May 13th, many of the employers who pay monthly or semi-monthly, voluntarily caused the law to become effective on May 1st. In a number of businesses, the employees who were not considered as possessing the necessary efficiency were notified that it was up to them to 'make good' in order to retain their employment and the probationary period was fixed at from two to four weeks.

"As a whole, it seems to be the concensus of opinion of employers that the law has increased efficiency to an appreciable extent. Perhaps not more than 5 per cent. of the whole number of female employees were discharged because of this law going into effect and many of those who lost their employment found employment in other like establishments or in other lines.

"About the time the law became effective, our department was called upon by a number of business concerns to determine what generally would be considered a year's experience as expressed in our law. They were informed that any girl or woman who had worked in any kind of store as a sales girl or sales woman for the period of one year or more, or who had worked as an apprentice in a millinery establishment or as a laundry girl, telephone girl or in a factory or mill for a like period, would be considered as 'experienced' in their respective avocations.

"Some of the department stores claim that they experienced considerable difficulty with employees coming to them from small country stores and the five and ten cent city stores. This class of employees are eighteen years old and over and have had a year's or more experience. Employers

are required to pay this class of girls or women not less than the minimum wage of $1.25 per day and have found that others of their older employees who are working as minors and 'inexperienced' are more efficient. This fact is soon manifested in a way that touches their pocket books, for the reason that the smaller paid help are soon at the elbows of their employers asking for an increase of wages with the plea that they are better or fully as efficient as the higher paid employees with a country or small store experience.

"The law has had a tendency to drive out the little errand girl in some establishments who was drawing from $2.50 to $3.50 per week and whose tenure of employment was oft-times a semi-charitable one.

"Compared with many other western states of equal and some of greater population, the wage scales of this state for both male and female labor are quite high and our newly inaugurated minimum wage law was instrumental in increasing the wages of but a small per cent. (possibly ten) of our working girls and young women. In our laundries, girls were generally paid from $6 to $7 per week and now they are paid $7.50 per week. In the department stores, the wage was from $4 to $25 and in the millinery establishments from $2.50 to $25 per week. Apprentices in the millinery establishments must now be paid $4.50 per week or else be permitted to work under instruction for absolutely no wage, in which condition the relationship of employer and employee is not established.

"Thirty dollars a month or one dollar per day was the general wage of chamber maids in many European hotels and rooming houses. Now it must be $1.25 per day for six days a week where neither board nor lodging is furnished.

"As a whole, I think the law a fairly good one and have yet to learn where it is causing any considerable amount of oppression or injustice to anyone. Some small establishments, like country printing offices, that employed female apprentices at a wage of from $3 to $4 per week for the first year, claim that they cannot afford to pay $7.50 per week for such help during the second year.

"In no establishment of the state, coming under our notice, that employs any considerable number of females, has the pay roll been increased over 5 per cent. I believe that the average is between two and three per cent.

"The law has the tendency to equalize the wages of the inexperienced and the near experienced. I believe that it increases efficiency and what is of equal and greater importance will having a growing tendency to secure to competent women a living wage."

Washington.

In the fall of 1913 the Washington commission began a series of informal conferences with employers and employees and issued a series of "questionaires" to secure information concerning the cost of living and the rate of wages paid in the state.

Considerable difference of opinion has existed in Washington over the application of the law with reference to apprentices. The law provides that:

"For any occupation in which a minimum rate has been established, the commission through its secretary may issue to * * * an apprentice in such class of employment or occupation as usually requires to be learned by apprentices, a special license authorizing the employment of such licenses for a wage less than the legal minimum wage."

On this point the former secretary of the commission said:

"Two points of difference have arisen over the interpretation of this clause: (1) Whether the issuance of apprenticeship permits be obligatory or optional with the commission; (2) whether or not a period of apprenticeship does in fact exist in mercantile establishments and laundries. * * *

"Out of 2,688 employees reporting their length of service to the commission, 51.6 per cent. had been employed at the place where they were then working for less than one year. For laundries the percentage rose to 54.8 and for mercantile establishments to 53.9.

"Many of these employees, however, were receiving high wages and presumably had worked elsewhere. Let us therefore take only those employees receiving less than $9 per week — those for whose benefit, quite evidently, the law was enacted. Of the 1,519 employees receiving less than $9 per week who made report, one-third (32.3 per cent.) had worked for less than three months, one-half (51.2 per cent.) for less than six months, and more than two-thirds (68.7 per cent.) for less than one year. These percentages are lower than would be the case for mercantile establishments and laundries alone. It must also be considered that only women who were at work at the time of investigation are included. Could the many others who had worked for a few weeks or months and dropped out within the preceding year be included, the percentages would be materially raised.

"Employers themselves admit this rapid flux in their labor force. On page 81 of the minutes of hearings by the Industrial Welfare Commission will be found the statement of a laundryman that '60 to 90 days eliminates a crew completely.'"

Early in April the conference on mercantile establishments, created in March, recommended to the commission a minimum wage of $10 a week for all females over 18 years of age. A public hearing was held on April 13 and this wage rate was adopted by the commission. The much discussed question of rules for apprentices was left to the discretion of the commission itself.

Wisconsin.

In Wisconsin a thorough-going investigation was made into the cost of living for women and minors. Proprietors of lodging and boarding houses were visited in order to discover prices and the quality of the board and lodging furnished; estimates were also secured on the cost of clothing, laundry service, doctors' bills, amusements and other items of expense; and individual schedules for more than 12,000 working girls were secured. Informal conferences were also held with the manufacturers. At these conferences the need of uniformity in legislation not only between states but also between nations was urged.

Selection of Representatives of Employers and Employees. — It is the theory of both the English and American acts that, in order to secure fair consideration for both points of view, and the greatest degree of democracy in the operation of these measures, representatives of employers and employees should be elected by their respective groups. In the case of employers this was not found impossible in England after the act had become well understood. In the case of the employees, however, experience is quite different. The act was intended to apply to that group which is least capable of taking care of itself. This in itself implies the unorganized. To hastily bring together an unacquainted and untried group and to trust to them the selection of representatives for wage boards was to endanger the effectiveness of the administrative machinery. Qualities necessary for successful bargaining are absence of fear either of employers' blacklisting or of employees' taunts in case of compromise. Experience in debate and a knowledge of the industry under consideration and of legal rights are also important qualifications.

Reporting upon British experience, to the International Association for Labor Legislation in September, 1912, Constance Smith said:

> "The chain-making board is the only board which has, so far, been constituted by direct election of representatives by employers and workers in meeting assembled. In the other three cases the procedure was by Board of Trade nomination from lists sent up by the two parties."

In the United States, in bringing together representatives of employees, conditions in the different states have called for varying methods of selection. One state reports:

> "We have had great difficulty in selecting employees to represent the working girls. The only board appointed so far — the mercantile advisory board — has four dry goods clerks serving on it. The other six representatives of the employees are club women. I felt compelled to appoint these women because the employees are in no position to safeguard their own rights and we do not want to run any chance

of a girl losing her position. I have decided that it is practically impossible to put working girls on the board, unless they have gotten out of the industrial world. We selected both the representatives of the employers and the employees because we found that neither class wished to select their own representatives."

Another state with longer experience in selecting representatives reports:

"Our method was purely by acquaintance. In some instances we had a difficult time to secure girls who were intelligent, independent of speech, sufficiently experienced and securely enough placed in their positions not to fear dismissal. Our law does not require the representatives of the employee to be at present employed so that in two instances I secured young women who had recently been married. In the conference on mercantile store work we were fortunate enough to have one employer who approves entirely of the commission and whose employee representing the employees could speak fearlessly. Even with all this care we found the girls somewhat timid when in conference. As you probably know our law provides for a fine in case of dismissal of an employee for testifying. While we realize that this might be a check on the employer, we know also that he could advance many excuses for having dismissed a girl other than that she had testified against him. Then, too, we did not feel that if a woman had had experience, for example, in factory work, but was at the time engaged in laundry work, that she was not eligible to the factory conference for this reason; one of our factory representatives had had nearly two years' experience in a factory but was at present engaged in a laundry. Perhaps our freedom in selecting representatives of the employees helped us out somewhat. * * * At best it is difficult to get satisfactory representatives." (See also Massachusetts, p. 200.)

5. RECENT DEVELOPMENTS.

A constitutional amendment specifically permitting the enactment of laws regulating hours and wages was adopted by the people of Ohio at the constitutional convention in 1912. A similar form of amendment was passed by the legislature of California in 1913 to be voted upon by the people in 1914.

The Ohio amendment provides that:

> "Laws may be passed fixing and regulating the hours of labor, establishing a minimum wage and providing for the health, safety and general welfare of all employees, and no provision of the constitution shall impair or limit this power."

Under the authority of this provision the Ohio Minimum Wage League framed the following proposed law:

> "To provide for a Minimum of Compensation for Labor, Work or Services."
>
> *Be it enacted by the People of the State of Ohio:* Section 1. The Governor of the State of Ohio shall, on the first day of January, the first day of April, the first day of July, and the first day of October, in each year, compile, or cause to be compiled, an estimate of the cost of living per day, per family of two adults and four minor children, in the cities of the State of Ohio, fewest in number, containing a majority of the people of the State. Said cost of living shall include rent of a six-room sanitary house with small garden; plain food, consisting of meats, vegetables, cereals, and pastries; clothing; insurance against sickness of the family; a sum sufficient to provide for the old age of the parents, and a sum sufficient to provide against the ordinary hazard of non-employment of the father.
>
> Section 2. Within thirty days thereafter the Governor shall publish said estimate once each week for three successive weeks in three newspapers of general circulation in Franklin county, and upon the final publication of same said estimate of the cost of living shall constitute and be the

minimum wage or rate per day of eight hours at which contracts or agreements may be made for the performance of or payment for the labor, work or services of any person of the age of eighteen years during the time that said estimate is in effect.

Section 3. The minimum wage or rate at which contracts or agreements may be made for the performance of or payment for the labor, work or services of persons under the age of eighteen years shall be three-fourths of said estimate of the cost of living.

Section 4. In any action brought upon any contract for labor, work or services, the amount recoverable shall not be less than the minimum wage, any contract, agreement, stipulation, settlement, or compromise to the contrary notwithstanding.

The proposed California amendment provides that:

"The legislature may, by appropriate legislation, provide for the establishment of a minimum wage for women and minors and may provide for the comfort, health, safety and general welfare of any and all employees. No provision of this constitution shall be construed as a limitation upon the authority of the legislature to confer upon any commission now or hereafter created, such power and authority as the legislature may deem requisite to carry out the provisions of this section."

The Socialist party of California drafted the following measure which provides for a flat-rate minimum for all workers:

Minimum Wage Act

To be Circulated With Initiative Petitions by the Socialist Party of California in 1914.

The following preamble accompanies the bill on the petitions:

Whereas: Repeated investigation into the cause of crime among men and prostitution among women has demonstrated

that one of the principal causes for both is the employment of working people at less than a decent living wage, and

Whereas: The mass emigration of large numbers of working people from Europe through the Panama Canal, who are accustomed to a lower standard of living, will greatly endanger our present standard of living,

Therefore, It becomes necessary to set by law an amount below which the competition of these immigrants shall not lower our standard of living in the interest of public safety.

An Act to amend the Penal Code by adding a new section thereto to be numbered 313¾, providing a minimum wage and conditions of employment for employees and providing a penalty for violation of this act.

The People of California do enact as follows:

No employer shall employ, or require or permit any superintendent, foreman, or other agent to employ, any person for less than subsistence.

For the purposes of this act the following is determined a subsistence wage: For all persons between the ages of eighteen and sixty years, not less than two dollars and fifty cents per diem.

For all minor children under eighteen years of age, not less than one dollar and fifty cents per diem.

The employer may pay part of the wages in board and lodging, but must contract for both or none thereof, and no more than seventy cents per diem shall be deducted therefor.

Any person, copartnership, or corporation violating any of the provisions of this act is guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or imprisonment in the county jail for not less than one, nor more than six months, or both such fine and imprisonment.

II. FOREIGN LEGISLATION AND RECOMMENDATIONS.

New Zealand.

In Australasia, the original home of minimum wage legislation, there exist two different types of laws. One type, initiated in New Zealand in 1894 and later followed by New South Wales, Western Australia and by the Australian Commonwealth where disturbances extend beyond state lines, is aimed primarily at the settlement of trade disputes — strikes, lockouts, or any question involving hours of labor, rates of wages or conditions of work. The other type, initiated in Victoria, in 1896, and later followed by South Australia, Queensland and Tasmania, is aimed at the evils of the sweating system — underpaid labor, exhausting hours of toil and unhealthful conditions of work.(1)

In attempting to utilize Australasian experience for our American situation it must be remembered that New Zealand is a country about the combined size of New York, Pennsylvania and Massachusetts, with a population of a little over a million; Victoria is less than the combined area of New York and Pennsylvania, with a population of about one million and one-third. New Zealand's three or four large cities range from fifty to one hundred thousand, while Victoria has only one industrial city with a half-million population.

The beginning of minimum wage legislation occurred in New Zealand in the year 1894, when Parliament passed the Industrial Conciliation and Arbitration Act which became effective one year later. Since this class of legislation bears but little resemblance to the minimum wage measures under consideration in America, being aimed primarily at the settlement of trade disputes, only a brief statement of the main features is necessary. This law

(1) In most of the Australasian states a flat-rate minimum wage is established by law. This rate is usually very low and is intended to protect principally children, learners and apprentices.

operates through a permanent industrial commissioner who is provided for each industrial district and to whom requests may be sent for intervention in any dispute; two or three representatives of the employers and of the employees are appointed from lists sent in by each group; and these representatives, together with the commissioner, who presides and directs but has no vote, form a Council of Conciliation. If this council fails to bring the two contending parties to an agreement the case goes to the Arbitration Court where the decision is final. This court is composed of one Supreme court judge holding office for life and two members nominated by employees and employers (1). The general principle of this measure, up to the point of the establishment of the Arbitration Court, has been followed in the Canadian Industrial Disputes Act of 1907; but in Canada, the board of investigation and conciliation, when no agreement is reached, may only publish its findings.

VICTORIA.

Based upon a point of view quite unlike that underlying the New Zealand legislation, the Victorian Wage Boards Law, enacted in 1896, was aimed directly at the evils of sweating, particularly among home workers. This law makes no attempt to interfere in case of trade disputes and is in general principle similar to our American acts. No permanent body is provided as in America but wage boards for any trade may be called into existence at any time by a resolution adopted by both houses of parliament. Employers and employees must then send in their nominations to the Minister of Labor who makes a selection of from four to ten members for the special board, which elects its own chairman and secretary. If agreements are reached the findings are laid before the Minister of Labor who, if he approves them, causes them to be gazetted and they become law not sooner than thirty days thereafter. If employers and employees cannot come to an agreement, the chairman may cast a deciding vote. If the Minister of Labor considers the determinations unfair or unwise

(1) For a statement as to the rulings of the judges, see Judicial Interpretations of the Minimum Wage in Australia, by Prof. M. B. Hammond, the *American Economic Review*, June, 1913.

he may suspend the order for six months and then send it back to the board for reconsideration. If no change is authorized, the suspension is revoked. In case the Minister of Labor, or a majority of either party concerned, is not satisfied with the determinations, or if 25 per cent. of the employees of the trade, or an employer or group of employers of 25 per cent. of the employees concerned, are dissatisfied, they may apply for a Court of Industrial Appeals, which is composed of one of the judges of the Supreme Court, who has the final decision in the case. From September, 1910, to December, 1912, only ten cases had been appealed to this court.

In all instances the special boards may summon witnesses, examine records, books or pay-rolls, and may conduct special investigations. In an earlier form of the law the basis of determining wage rates was specified as the standard of the "reputable employer" in the trade under consideration. This was later stricken out, and the basis now often used is "the normal needs of the average employee regarded as a human being living in a civilized community." The determinations of the boards are enforced by the Minister of Labor and the Factory Inspection Department. Of the first thirty-eight boards established eleven were appointed upon applications of the employers. In December, 1913, there were 134 wage boards in existence.

Sir Alexander Peacock, author of the Victorian system, recently wrote: "* * * it was alleged, first, that all work would be driven out of the country, secondly, that only the best workers would be employed, and thirdly, that it would be impossible to enforce such provisions at all. It is now somewhat amusing, although it was serious enough for the government of the day, to read the debates on the Factories and Workshops Act, 1896. However, the government managed to carry the bill and the wage board system was inaugurated."(1)

Dr. Victor S. Clark, formerly of the United States Bureau of Labor, who has made exhaustive and extended investigations of Australasian labor conditions, wrote in 1909 (in the Annals of

(1) Quoted in the Annals of the American Academy of Political and Social Science, Vol. 48, p. 28, 1913.

the American Academy of Political and Social Science, Vol. 33, p. 221) "* * * the courts and boards offer what is probably the best machinery yet devised to protect women and children workers from industrial oppression. The board determinations, varying with each industry and accommodating themselves to its peculiar local conditions, are much more effective than the hard and fast provisions of a general statute. They become, for the purposes of enforcement, a part of the factory law of the state, applying to the industry in question by consent of its own representatives. * * * the general effect of the law has been to increase and equalize the pay of those classes of labor least able to obtain fair conditions of employment through their unassisted efforts, and this function of the law appears to be assuming increasing importance in the public mind."

The most recent and thoroughgoing study of the results attained under the Victorian minimum wage legislation was made by Prof. M. B. Hammond, of the Ohio State University. Prof. Hammond spent the winter of 1911–1912 in Australia and New Zealand, and reports as follows:

> "In conclusion I wish to sum up as briefly as possible the results which it seems to me have been attained in Victoria and, so far as their experience extends, in the other Australian states, under the wages boards' system. Perhaps I may be allowed to say that I have reached these conclusions after a thorough study of the reports and records of the departments concerned in the administration of the acts; after attendance on many board meetings; and after interviewing many people, government officials, chairmen of wages boards, employers, trade union officials, social reformers and politicians who have had much to do with wage board legislation and administration.
>
> "1. We may say without hesitation, I think, that sweating no longer exists, unless perhaps in isolated instances, in Melbourne or in other industrial centers of Victoria. This is the opinion expressed to me not only by the officials in the factory inspector's office, including the women inspectors, but also by Mr. Samuel Mauger, the secretary of the Anti-

Sweating League, who is constantly on the alert to detect any evidence of sweating and to ask for the appointment of a board in any trade in which it is thought to exist. In the board meetings the efforts of the labor representatives are nowadays seldom directed towards securing subsistence wages but they aim rather to secure a standard rate of pay based on the needs of the average worker, and as much above this as is possible.

"2. Industries have not been paralyzed nor driven from the state as was freely predicted by extreme opponents of the wages boards' plan. There is one instance of a plant having left Victoria on this account. A brush manufacturer from England, who had recently come to Victoria to establish his business was so enraged at the idea that the wages he was to pay were to be regulated by law that he moved across Bass Strait to Tasmania. That is the only instance of the kind to be found in the records. On the other hand there has been a steady growth of manufactures. In 1896, when the factories act, containing the wages board provisions, was passed, there were in Victoria 3,370 factories; in 1910 there were 5,362. In 1896, the number of workers in factories was 40,814; in 1910 it was 83,053. This, I think, indicates as great a growth in manufacturing industry as most countries are able to show.

"3. In spite of the fact that the law in Victoria does not forbid strikes, as is the case under compulsory arbitration, it would be hard to find a community in which strikes are so infrequent as they are in Victoria. There are, I think, not more than half a dozen cases in which a strike has occurred in a trade where the wages and hours were fixed by a wages board. The only serious strike of this sort was in a trade where the court of industrial appeals had lowered the wages fixed by the wages board after these wages had been paid for some weeks. I may add at this point the statement that there are very few cases of appeals from a wages board determination in Victoria, though there seem to be more in South Australia.

"4. In spite of the fact that the meetings of the boards are at times the scenes of outbreaks of passion, and angry and insulting words pass back and forth across the table, there can be little doubt but that the representatives of both parties go away from these meetings with an understanding of the problems and difficulties which the other side has to meet, which is usually lacking in trades where collective bargaining is not resorted to. This was repeatedly brought to my attention both in and out of board meetings by men who had taken part in these discussions. It probably goes far towards explaining the infrequency of strikes and lock-outs.

"5. That the minimum wage fixed by the board tends to become the maximum in that trade is often asserted, but it would not be easy to prove. Employers have frequently said to me that they believed there was a tendency in that direction, but they have seldom been able to furnish evidence to that effect from their own establishments. At times I have found on inquiry that not a single man in their own plants was receiving the minimum wage. The employers' opinions seemed to be more the result of *a priori* reasoning than the results of actual experience. Nor, on reflection, it is easy to see why the minimum should become the maximum. The determinations do not compel an employer to hire or to retain in employment any worker. He is free to dismiss any man whom he believes incapable of earning the minimum wage, or he can send the employee to the chief factory inspector for a permit to work at less than the minimum fixed by the board. There seems to be no reason why under this system there should not be the same competition among employers as under the old system to secure the most efficient and highly skilled workmen and there is no reason why such men should not get wages based on their superior efficiency. Victorian statistics on this point are lacking, but in New Zealand where minimum wages are fixed by the arbitration court, statistics as to wages, tabulated in 1909 by the Labor Department, showed that in

the four leading industrial centers of the Dominion the percentage of workers in trades where a legal minimum wage was fixed who received more than the minimum varied from 51 per cent. in Dunedin to 61 per cent. in Auckland. There is no reason to think that a dissimilar situation would be revealed by a statistical investigation in Victoria.

"6. Although the legal minimum wage does unquestionably force out of employment sooner than would otherwise be the case a certain number of old, infirm and naturally slow workers, it is easy to exaggerate the working of the minimum wage in this respect. The opinions of employers differ in regard to this point. Workers who feel that they can not earn the minimum wage may apply to the chief factory inspector for a permit to work at a less rate than the minimum and the officials who have charge of this matter feel pretty certain that in this way practically all cases really needing relief are cared for. The percentage of men with permits is, however, not high, and possibly there are some who are forced out of work who do not apply for a permit.

"7. There is also much difference of opinion as to whether or not the increased wages have been to any considerable extent counterbalanced by an increase of prices due to the increased wages. The probability is that in some occupations higher wages have in this way been passed on to the consumers, the laboring classes included. This would be especially true of industries purely local where there was little opportunity to use machinery.

"In Melbourne, following close upon a wage board determination which raised the wages of waiters and cooks in hotels and restaurants, the cheap restaurants which had been furnishing meals at 6d. (12 cents) by a concerted movement doubled their prices. While the increase of wages in this case was doubtless in part responsible for this increase of prices, in the main the wage increase was the occasion rather than the cause of the increase in prices, which was bound to come sooner or later because of the increase in cost of food supplies.

"The New Zealand commission on the cost of living, which has recently published its report, carefully considered this question as to the effect of labor legislation on the cost of living and concluded that in the case of staple products whose prices were fixed in the world's markets, the local legislation could have had no effect on prices. In other trades, the increased labor costs had served to stimulate the introduction of machinery and labor saving devices; in still other trades it had apparently not increased efficiency and accordingly labor costs had increased. This seems to have been the case in coal mining. Generally speaking, the evidence in most trades was not sufficiently definite to show whether or not there has been an increase or a decrease in efficiency due to labor legislation. This is about what we must conclude as a result of the conflicting testimony on this point in Australia as well as in New Zealand. I found that most employers with whom I talked were certain that laborers were less efficient than in former years. Generally they could not explain very satisfactorily how this was due to legislation, and their arguments usually reduced themselves to the assertion that the trade unions were preaching and their members were practicing the doctrine of 'go easy' and were in this way restricting the output. Trade union officials, on the other hand, were just as emphatic in their declaration that such a matter had never been discussed in their meetings. I do not believe that in this respect conditions in Australia differ from what they are in America and I find that the same assertions are made here by employers as to the effect of trade unions and that these statements are as vigorously denied by the union officials. Only to the extent, therefore, that compulsory arbitration and wage boards tend to develop and strengthen unionism, which they undoubtedly do, can we find that the legal minimum wage exerts any appreciable effect on the decline of efficiency and the restriction of output. This must remain therefore a mooted point.

"8. Finally, whatever may be the difference of opinion between employers and employees as to the effect of the legal minimum wage in Victoria in producing certain results and whatever criticisms they may make of the administration of the factories act, both sides are now practically unanimous in saying that they have no desire to return to the old system of unrestricted competition in the purchase of labor. I did not find an employer who expressed a desire to see the wages boards abolished. Generally speaking, employers are just now holding tightly to this plan, partly no doubt as a means of saving themselves from an extension of the operations of the commonwealth arbitration act. In the main, however, they have been convinced that the minimum wage has not been detrimental to their businesses, and that it has forced their rivals to adopt the same scale of wages as they are themselves obliged to pay. I have mentioned the fact that the Victorian Chamber of Manufactures led the attack on the wage board system when the government was providing for its extension in 1900. Last April (1912) the president and secretary of that organization, and the president and secretary of the Victorian Employers' Association, told me that in spite of the defective administration of the wages boards act, their members had no longer any desire to have the system abolished. The trade union secretaries also complain of the administration of the act; particularly that the chief factory inspector does not take a more drastic attitude in regard to the prosecution of the violators of the act whom they have reported. This fact that both sides complain of the administration of the act is a pretty fair indication that the administrative officials are doing their work in a conscientious manner without prejudice or favor. The trade unionists generally admit that labor has been greatly benefited by the wages boards' legislation and they do not desire a repeal of these laws, but many of them in Victoria are inclined to think that compulsory arbitration would give them even more. The wages boards deal only with wages, hours, payment for overtime and the number and proportion of apprentices. The arbitration courts, on the other hand,

may and sometimes do give preference to unionists and are often called upon to decide many minor matters which can not be considered by wages boards. Furthermore, wages boards established by any one state are bound to consider interstate competition when they fix wages. The commonwealth arbitration court, on the other hand, can regulate wages throughout Australia in the industrial field within which it operates. Hostility to the minimum wage in Australia may therefore be said to have practically died out and the question most discussed to-day is whether this minimum wage shall be secured by means of wages boards or through the machinery of a federal arbitration court."

The following list of questions concerning the operation of the minimum wage law in Victoria was sent by the New York Factory Investigating Commission to the office of the Chief Factory Inspector at Melbourne:

"First. Does the minimum wage become the maximum?

Second. How far are the unfit displaced by such legislation?

Third. Do such laws tend to drive industry from the state?

Fourth. Do they result in decreasing efficiency?"

In response the following statement was received:

First Question.

"It is frequently asserted in this State that the minimum becomes the maximum, but our official figures show that this is not the case. I am sending by separate packet a book containing all the existing factory laws of Victoria, and a copy of my latest annual report. If you will kindly refer to Appendix B you will see what the average wage in the trade is. A further reference to Appendix D will give you the wages in any particular trade. I regret that I have not figures which will precisely answer your question, but a careful comparison will show that the average wage in a

trade is invariably higher than the minimum wage. I do not know that there is any exception to this in Victoria.

Second Question.

"Legislation which fixes a standard wage undoubtedly has the effect of displacing the unfit. Our experience, however, shows that this dislocation is not serious, and that as a rule things regulate themselves fairly satisfactorily. It is true, however, that in Victoria for some years there has been a shortage of labor, and this fact probably has a good deal of bearing on this point. I do not think there is any evidence that philanthropic agencies have ever been called upon to increase their work through minimum wage legislation. There is, however, a section in our law which enables a license to be issued to a defective worker to permit a lower wage than the minimum to be paid to him (see section 202 on page 98 of the Handbook sent). This power is only sparingly used, as it is regarded very jealously by the trades unions, and this department requires very strong evidence before it will issue a license to work for less than the minimum.

Third Question.

"There is no evidence to show that our labor legislation has driven any industry from the state, nor from Victoria to any other part of the commonwealth. As a matter of fact, labor laws are in operation all over the commonwealth, so that, if our legislation had any such effect, the industry would have been driven to other countries. There has been an increasing amount of imports in the last few years, but I think I can safely say that the evidence tends to the belief that that is caused more by our general prosperity than any other factor. Side by side with the increasing proportional imports has been a great increase in production and in the number of factories established.

"My own opinion is that the fixing of a standard wage increases efficiency generally, from the fact that the employer demands in return a standard degree of efficiency. It is

true that some of the unions have endeavored to restrict the output, and have in some cases gone so far as to strike for the purpose of enforcing their demands. They have invariably failed. At the same time there is some evidence that in certain of the trades — and in that connection the agricultural implement making trade might be mentioned — they have succeeded to some extent in lessening the output. For that reason there is a large section of employers in this state who believe that the only fair way of regulating wages is by piecework. Our wages boards have power either to fix piecework rates or to give the employer that privilege with the provision that the piecework rates fixed by him shall be such as will enable an average worker to earn at least the minimum wage. One strike is on record against the fixing of piecework rates by the employer. The moulders at the Sunshine Harvester Works objected to piecework rates in any form, although in fact the men were earning considerably over the minimum, and in some cases twice as much. Yet the union took their men out for the simple reason that they objected to piecework being paid under any circumstances, and the men have been out now some five or six weeks. It is only a sectional strike, and probably not more than twenty or thirty men are affected. To answer your question generally, I think it can be truthfully said that the efficiency of the workers all round is distinctly higher under the minimum wage than it was before.

"I may say, in conclusion, that the minimum wage law in Victoria is working very smoothly. There are fewer strikes in this state under the wages boards provision than in the neighboring state of New South Wales, where they have an arbitration court. For the last three months, out of the forty-nine strikes that occurred in the six states of Australia, thirty-eight were in New South Wales. Our wages board law takes no cognizance of a strike once it occurs, but leaves the parties to fight it out amongst themselves. In New South Wales they have elaborate provisions for settling strikes that occur, with the above result. We

believe that the best way of settling strikes is to provide — as we do in Victoria — every means of arriving at fair conditions between master and man, and of revising those conditions as occasion demands, and then washing our hands of the whole matter."

Germany.

The German government, in 1911, passed a Home Work Act, which, although it falls short of the establishment of trade boards to fix a minimum rate of wages, sets up *trade committees* of a very similar type, whose lack of power to regulate wages directly might easily be remedied by a supplementary act. At present trade committees may be appointed by the Federal Council for particular trades or districts where home workers are employed. The committees consist of an equal number of home workers, as defined, and their employers, together with a president and two assessors, who must have the requisite technical knowledge. The president must be neither an employer nor a home worker. Women must be duly represented if they are largely employed in the trade. It is left to the authorities of the various states to fix the number of representatives and to appoint not only the president and assessors but also, after consultation with the employers and home workers, half their representatives. The remainder of the representative members are elected by the employers and home workers respectively.

The duties of the trade committees touch the borderland of wages regulation. Their functions, as defined in the act, include the collection of information and, vaguely, the promotion of institutions or measures for improving the conditions of home workers, such as collective agreements. If the authorities are energetic in setting the committees to work, the information they collect will in time be valuable if their functions are later extended, as has been predicted. For they must "on the request of the municipal and communal authorities ascertain, in a suitable manner, especially by procuring evidence from employers and home workers concerned, the amounts actually earned by home workers, express opinions as to whether such amounts are

reasonable, and make proposals for procuring agreements for reasonable remuneration."

Firms giving out work must keep registers of home workers, post up fixed rates of pay in the rooms where work is given out or returned, and supply to the workers on each occasion particulars of the amount of such work and rates of pay, and they must, in addition, conform to any instructions issued by the local authorities to improve, where necessary, their arrangements for giving out work or receiving it back, in order to prevent undue waste of time on the part of the outworker.

GREAT BRITAIN.

The Trade Boards Act. — In England considerable legislation had already been enacted to provide for conciliation in the case of trade disputes, before the evil of sweating, which was becoming more and more obnoxious, led to the passage of the Trade Boards Act. It was to the Victorian legislative model that the English reform movement turned for relief. In 1906 the National Anti-Sweating League was formed, which, together with the labor party and other leading organizations, began to urge some system of establishing a minimum wage which would reach the less intelligent and unorganized workers. It was in 1909 that they succeeded in inducing parliament to pass the Trade Boards Act which became effective one year later. Under this act, wage or trade boards may be established for all employees in any industry by order of the Board of Trade, subject to ratifications by parliament. The first four trades for which trade boards were established were: ready-made tailoring, cardboard box making, the making of hammered, dollied, or tommied chain, and certain processes in lace finishing.

For each such trade, or any branch of the same, the Board of Trade was empowered to appoint a committee called a "trade board," consisting of an equal number of representatives of employers and workers (known as "representative members"), together with a certain number of persons including women (known as "appointed members"). The number of appointed members must be less than half the total number of representative members. The Board of Trade decides which member shall

act as chairman. Trade boards may fix general minimum time rates or minimum piece rates and on the application of any employer they must fix a special minimum piece rate for any particular class of work on which he is engaged. The rates fixed may differ for different classes of workers, for different districts and for different processes. To advise the Trade Board, district committees may be appointed in fixing rates for their respective localities.

When a trade board proposes to fix a certain rate, three months notice must be given, within which period objections to the rate proposed may be raised. On the conclusion of this period the rate comes into operation to a limited extent. It is compulsory in the absence of a written contract, signed by the worker, providing for a lower rate, and it must be adopted by all firms engaged on public contracts. Six months later, the Board of Trade has power to make the rate obligatory in all cases. Special exemptions can be procured under the act in the case of old or infirm workers.

The act provides for the appointment of inspectors for enforcing the payment of the minimum rates fixed by the trade boards. Such inspectors have the right to enter work places at any reasonable time and to inspect books, etc. If an employer pays less than the minimum rate, he is liable to a penalty not exceeding 20 pounds ($100) and for each day on which the offense is continued after conviction, 5 pounds ($25). An employee who has not received the legal minimum rate may recover the balance due him.

A clearer idea of the method of work under this act may be secured from the following rules which the Board of Trade issued for the paper box trade:

STATUTORY RULES AND ORDERS, 1910.

No. 429.

TRADE BOARDS.

Regulations, dated April 27, 1910, made by the Board of Trade, establishing a Trade Board, under s. 11 of the Trade Boards Act, 1909 (9 Edw. 7, c. 22), for the making of Boxes or parts thereof made wholly or partially of Paper, Cardboard, Chip or similar material.

The Board of Trade, in pursuance of their powers under the Trade Boards Act, 1909, hereby make the following Regulations with regard to the making of Boxes, or parts thereof, made wholly or partially of paper, cardboard, chip, or similar material:

1. A Trade Board shall be established for that branch of the Box Trade in Great Britain which is engaged in the making of boxes or parts thereof made wholly or partially of paper, cardboard, chip, or similar material.

2. The Board shall consist of not less than 35 and not more than 41 persons, namely, three appointed members, and members representing employers and workers, respectively, in equal proportions. The Chairman and Deputy Chairman shall be such of the members as may be nominated by the Board of Trade.

3. Sixteen members representing employers shall be elected by employers in the above trade as follows:

1 representative by employers trading within a radius of 18 miles of the Royal Exchange, Manchester.

1 representative by employers trading outside that radius and within the counties of Cumberland, Westmoreland, Lancashire, Cheshire, and in North Wales.

1 representative by employers trading in Northumberland, Durham, and Yorkshire.

1 representative by employers trading in North Staffordshire and the counties of Leicester, Northampton, and Huntington.

1 representative by employers trading in the counties of Nottingham, Derby, Lincoln, and Rutland.

2 representatives by employers trading in the counties of Hereford, Worcester, Warwick, Oxford, Stafford (South), and Shropshire.

2 representatives by employers trading in the counties of Somerset, Devon, Cornwall, Dorset, Wiltshire, Gloucester, Monmouth, and South Wales.

4 representatives by employers trading in London and the counties of Middlesex, Norfolk, Suffolk, Essex, Kent, Hertford, Bedford, Buckingham, Surrey, Berkshire, Sussex, Hampshire, and Cambridge.

3 representatives by employers trading in Scotland.

The election of representatives of employers shall be held under the supervision of the Board of Trade and in such manner as they may determine. A casual vacancy among members representing employers in any of the areas above specified shall be filled by election by employers in that area.

4. Sixteen members representing the workers shall be chosen by the Board of Trade after considering names supplied by workers in the above trade, due regard being paid to the proper representation of home workers. A casual vacancy among members representing workers shall be filled in the same manner.

5. The Board of Trade may, if they think it necessary in order to secure proper representation of any classes of employers or workers, after giving an opportunity to the Trade Board to be heard, nominate additional representative members on the Trade Board, and such representative

members may be nominated either for the whole term of office of the Board or for any part thereof. The number of such additional representative members shall not at any time exceed six, three on each side.

6. The term of office of the first Trade Board shall be three years.

7. Any representative of employers who becomes a worker at the trade shall vacate his seat. Any representative of workers who becomes an employer in the trade shall also vacate his seat. The question of fact shall in each case be determined by the Chairman.

8. Any representative of employers or workers who fails without reasonable cause to attend one-half of the total number of meetings in one year, shall vacate his seat, but shall be eligible to be elected or nominated again, as the case may be.

9. Every member of the Trade Board shall have one vote. If at any meeting of the Board the number of members present representing employers and workers, respectively, are unequal, it shall be open to the side which is in the majority to arrange that one or more of their members shall refrain from voting, so as to preserve equality. Failing such an arrangement, the Chairman, or in his absence the Deputy Chairman, may, if he thinks it desirable, adjourn the voting on any question to another meeting of the Board.

10. Any question upon the construction or interpretation of these regulations shall in the event of dispute be referred to the Board of Trade for decision.

Signed by order of the Board of Trade this 27th day of April, 1910.

G. R. ASKWITH,
Assistant Secretary, Board of Trade.

While procedure under the British act is similar on all essential points to procedure under our compulsory minimum wage laws, the English boards have dealt with much more complicated

situations than we in America have yet faced. So far, the English act has applied mainly to those industries which are characterized by excessive sweating and where the employees are almost entirely home-workers — the most difficult class from which to get united action. The English boards have considered rates for each kind of work within an industry, and for each class of workers, as well as for each district where the industry is located. Constance Smith, reporting to the International Association for Labor Legislation in September, 1912, spoke of some of the difficulties encountered as follows:

> The number of members of the Chain-making Board had been fixed at not more than seventeen persons (including three appointed members); the Lace Board is slightly larger, the minimum and maximum numbers in this case being nineteen and twenty-three. This board has also to deal almost entirely with outworkers. These women, who are nearly 10,000 in number, do not take out work directly from the factory, but have it distributed to them by some 700 middle-women. This circumstance, together with the fact that the lace trade is at all times conscious of the pressure of foreign competition, makes the work of the Lace Board one of considerable complication and delicacy. The board has to be careful not to fix the rates at a point which will let in the French, Swiss or German competitor; it has also to deal with distributing agents who have been accustomed to take percentages of the prices paid to them by employers at varying rates and whose ideas of the binding authority of the Truck Acts is in some cases of an exceedingly lax description. The price lists which governed the situation in Nottingham before the coming of the Trade Board were price lists given to the middle-woman, and acted upon by her at her discretion; there was no rule by which a definite proportion of the price was paid to the actual worker. As a rule the prices paid were miserably low, and the workers sunk in poverty and misery. Here, far more than in any other of the scheduled industries, was there difficulty in finding women of sufficient intelligence and inde-

pendence to serve on the Trade Board as workers' representatives. But for the plan wisely adopted by the Board of Trade, of not insisting that these representatives should be in every case engaged in the trade itself, it would have been impossible to secure adequate representation of the workers' side.

The tailoring trade, one of the most complex in all industry, did not baffle the English board. Of this trade, Miss Smith says:

> The Tailoring Board (twenty-nine to thirty-seven members) has to do with by far the most important trade and the largest number of workers. It is, however, not so widely distributed, geographically, as the box trade, being for the most part concentrated in certain great cities. The trade is far more complicated than any of the other three, many and great variations being found in that simple section of it which is at present being handled by the Board. There was a time, not very long ago, when even experienced persons expressed the view that, owing to the seasonability of the trade, and its variations, the establishment of minimum rates in connection with it would prove impossible. But Sir George Askwith, speaking out of an experience unique as regards the fixing of price lists, all along disputed this pessimistic view. He wrote (Soziale Praxis, January, 1911) that he considered objections based on the changes of fashion and its varying forms to be ill-founded. Skill and organization are what is needed here. In the higher branches of this very industry, means of solving the problem have already been found; a piece-work list has been established there for some time. If the workers had been better organized that list would have already been adopted by other branches. * * * I have helped personally to establish rates for industries in which variations, much greater and much more complicated than any that exist in the tailoring trade, were involved. We sometimes took weeks to achieve our object; but in the end we did achieve it.

The rates of wages paid in the four trades for which boards were first authorized seem, particularly in comparison with wage rates in America, pitifully low (not a few women in the chain-making trade received two cents an hour). Yet increases of from 50 per cent. to 150 per cent. have had their influence: "The women seem different beings from the inert and sunken people who attended meetings in pre-board times."

Considerable difficulty was experienced in England in securing proper representatives of employees. In contrast with the method of our wage commissions which themselves undertake the selection of representatives, the Board of Trade appoints, from lists sent to it, members representing the employers and employees. The selection of these members is left entirely in the hands of each group. While the employers found but little difficulty in quickly becoming organized, in the case of the employees, being the least experienced class of workers, entirely unorganized and full of suspicion, the selection of proper representatives has fallen largely upon the friends of the workers. On this point Miss Smith said in 1912:

> "The Chain-making Board is the only board which has, so far, been constituted by direct election of representatives by employers and workers in meeting assembled. In the other three cases the procedure was by Board of Trade nomination from lists sent up by the two parties."

In the case of the chain workers, it was the writer's privilege to be present at Cradley Heath at the organization of the first trade board, and the election of members was preceded by a long, expensive and persistent campaign of education. The cost of these educational campaigns has been so great that at a recent meeting, presided over by the Duchess of Marlborough, a special fund of nearly $4,000 was raised to defray expenses incidental to preparing workers for representation on the four newly authorized trade boards.

On the question as to whether or not the minimum rate becomes the maximum the *Amalgamated Journal of the Iron, Steel and Tin Workers* said last year, "Many classes of wage earners

who would be benefited and protected by minimum wage legislation have been living too close to starvation to make possible any reasonable amount of concerted action on their part, or such preparation, financial or otherwise, as would ordinarily be considered essential for success. To all such classes of wage earners minimum wage legislation should be valuable as establishing an existence basis from which they are in a better position to achieve further improved wages and conditions through organized effort. A woman wage earner receiving a minimum wage of eight dollars per week is on a better basis from which to secure ten dollars per week than the same woman getting four dollars is in a position to get five dollars." This expression of opinion has been entirely sustained by a recent occurrence in England. It had been generally accepted that rates first established by a trade board was a full discharge of the duty of the board although the act itself clearly provided for variations. But on December 2nd of 1913 the Chain-making Board confirmed proposals to increase by 10 per cent. the minimum rates it established in 1910. "The precedent," declares the National Anti-Sweating League, "will encourage representatives of workers on other boards to address themselves at once and vigorously to the progressive improvement of the minimum rates fixed for their trade."

Last year Parliament authorized the establishment of trade boards in four additional industries: sugar confectionery and food preserving; shirt making; hollow-ware making; and linen and cotton embroidery.

Sugar confectionery and food preserving includes the making of sugar confectionery, cocoa, chocolate, jam, marmalade, preserved fruits, fruit and table jellies, meat extracts, meat essences, sauces and pickles, the preparation of meat, poultry, game, fish, vegetables and fruit for sale in a preserved state in tins, pots, bottles, and similar receptacles; the processes of wrapping, filling, packing, and labeling in respect of articles so made or prepared.

Shirtmaking includes the making from textile fabrics of shirts, pajamas, and other washable clothing worn by male persons, excluding articles the making of which is included in paragraph I of the schedule in the Trade Boards Act, 1909, and

excluding articles which are knitted or are made from knitted fabrics.

Hollow-ware making includes the making of hollow-ware (including boxes and canisters) from sheet iron, sheet steel or tin plate, including the processes of galvanizing, tinning, enameling, painting, japanning, lacquering and varnishing.

Linen and cotton embroidery includes those branches of the trade of making up articles of linen or cotton or mixed linen and cotton which are engaged in the processes of hand embroidery, drawn thread work, thread drawing, thread clipping, top sewing, scalloping, nickeling and paring.

The National Anti-Sweating League reports, July 29, 1913, that:

> "In the trades at present within the scope of the Trade Boards Act there are approximately 250,000 operatives. The numbers likely to be affected by the boards about to be established are roughly as follows:
>
> | | |
> |---|---|
> | Sugar confectionery and food preserving | 80,000 |
> | Shirtmaking | 50,000 |
> | Hollow-ware | 15,000 |
> | Cotton and linen embroidery | 5,000 |
> | | 150,000 |
>
> "Certain branches of the laundry trade were to have been included also, but the Provisional Order Bill bringing them in was withdrawn by the Board of Trade because of defects in its terminology. Mr. Buxton has intimated that the bill will be reintroduced next year and should it apply to all laundrying, as is considered likely, 110,000 workers will be added to those already enumerated. In this case nearly 500,000 workers, mainly women, will be within the purview of the act though only four years have elapsed since its passage into law."

Mr. J. J. Mallon, writing in *The New Statesman,* February 21, 1914 (Women's Supplement, p. x), says:

"What the boards have accomplished may be shortly summarized. For men chain-workers at Cradley Heath the minimum rates are from 5d. to 7½d. an hour, and for women 2¾d. per hour, these sums including an addition of 10 per cent. just made to the rates originally fixed. Miserable as is this woman's rate of 2¾d. an hour, yet as compared with what went on before it is handsome. Hundreds of women were at one time earning less than half as much, and at their meetings any mention of a possible minimum of 10s. for a week of full employment aroused only sceptical mirth. At the present legal rate the worker of ordinary capacity earns, if fully employed, rather more than 12s. per week.

"As a fact, of course, many are not earning so much. Women chain-makers at Cradley Heath are chiefly wives and mothers, and of these a portion take the benefit of the higher rates in the shape of ampler leisure, or in time devoted to their domestic concerns. Formerly such women worked for a week to earn half a dozen shillings. Under the new conditions as much may be earned in two or three days.

"It should be remembered that the husbands of many of these workers are themselves beneficiaries. In the smaller forges men and women work side by side, and where this occurs the uplift to the joint income has been of the most substantial kind. 'More food and better,' said one local tradesman when asked as to the effect of minimum rates upon the chain-maker's purchase; and his view receives general corroboration. An improvement in the quality of the lower grades of chain, and a great incentive to organization, alike in Cradley Heath and in the surrounding areas, are further results of the coming of the Trade Board.

"What about the effect on the trade? If one may judge by appearances, the trade has actually thriven. The cry of most employers is that they cannot get workers enough, and some anxiety is expressed as to the future should the recruit-

ment of young chain-makers not be augmented. Certainly the trade has not fallen off.

"In a word, the Trade Board at Cradley Heath has more than justified its friends and confounded its enemies. Its success is definite, considerable, and complete. It has made a deep and abiding mark upon the history of the Black Country. No other industrial event of the present generation has so impressed and affected the workers of the district."

The following list of questions concerning the operation of the minimum wage law in England was sent by the New York Factory Investigating Commission to the office of the Board of Trade at London:

"First. Does the minimum wage become the maximum?

Second. How far are the unfit displaced by such legislation?

Third. Do such laws tend to drive industry from the state?

Fourth. Do they result in decreasing efficiency?"

In response the following statement was received:

"I am directed by the Board of Trade to say that, as the Trade Boards Act has only been in operation for a comparatively short period, they consider that it is as yet too early to express a definite judgment on its indirect and ultimate results.

"The board are of opinion, however, that provisional replies, based on the experience so far obtained of the working of the act, may be given to the questions contained in your letter, as follows: (1) The board are not aware of any general tendency among employers to reduce rates to the minimum allowed by law in cases where higher rates have been paid in the past. On the contrary, there is reason to suppose that the better organization of the workers, which has been observed to have taken place in the trades to which

the act has been applied, tends to prevent the legal minimum rate from becoming in fact the maximum. (2) So far as the board are aware, there has been no general dismissal of workers as a result of the fixing of minimum rates; and even where workers have been dismissed on this account, it has frequently been found that this has been due to misunderstanding of the act and not to its actual provisions. (3) The board are not aware of any tendency on the part of manufacturers to transfer their business to foreign countries, or, in cases where lower minimum rates have been fixed for Ireland than for Great Britain, to transfer their business from Great Britain to Ireland. (4) There is no evidence in the possession of the board to show that the efficiency of workers has been reduced as a result of the fixing of minimum rates of wages. On the contrary, there are indications that in many cases the efficiency of the workers has been increased. The fixing of minimum rates has also resulted in better organization among the employers and in improvements in the equipment and organization of their factories."

British Coal Mines (Minimum Wage) Act. — Until 1912, the theory of the legal minimum wage in England had been that of state interference on behalf of the more helpless workers. But the winter of 1911–1912 saw great unrest among the coal miners of Britain — perhaps the strongest of organized workmen in that country. Many strikes occurred with the result that a demand was made upon Parliament for the establishment of a minimum wage by law. A compromise was effected and on March 29, 1912, Parliament passed a measure providing for the establishment of joint district boards, comprised of representatives of employers and employees with an independent chairman appointed by them. These boards have power to fix wage rates, rules and conditions of work for the twenty-two districts which have been scheduled by the Board of Trade.(1)

(1) For copy of the law, see p. 348.

Recommendations for International Action.

International action in regard to the establishment by law of a minimum wage was taken by the International Association for Labor Legislation in 1904 at its third biennial convention at Basle, Switzerland. This International Association, organized in 1900 and supported in part by subventions from fourteen governments with sections in fifteen different countries, further recommended at its seventh biennial meeting in September, 1912, the following general principles:

> The adoption by legislation of the principle that wage agreements for insufficient amounts or of an usurious nature should be null and void, and that the conclusion of such agreements should be subject to penalties. The meeting regards this principle as essential, but at the same time, it recognizes that the difficulties of its application are such as to prevent its adoption from being in any degree a practical solution of the problem.
>
> The delegates' meeting believes that any legislation in favor of home workers will be ineffective so long as it is not founded on minimum rates fixed by wages boards constituted according to the following principles:
>
> 1. The board shall be composed of an equal number of employers and employees, chosen generally by the parties or, if this is impossible, by bodies acting on their behalf.
>
> The president shall not be an employer or an employee and shall be elected by the board. The government shall appoint him in case of disagreement. He shall have the casting vote.
>
> 2. The minimum wage shall be so fixed that a home worker of ordinary capacity may earn as time wage a sum approximately equal to fair wages paid in factories and workshops where similar trades are carried on in the town or district. The wage must be at least high enough to ensure to the worker under normal living conditions sufficient food and healthy housing.

3. The board shall fix officially the minimum wage and publish it at once.

4. If possible the board shall establish a scale of minimum wage rates for all the different operations of the trade.

5. To the amount of wages must be added the cost of tools and materials furnished by the worker, the value of time wasted, etc.

6. The minimum wage must be paid to the worker net without any deduction in favor of employer or middleman.

7. If collective agreements exist in a trade, the minimum wage board must endeavor to extend the benefits of such collective agreements to all home workers also.

8. For operations not included in the scale named under 4 the employer must prove in each particular case coming before the board that the conditions allow the average worker to earn at least the minimum time wage.

Disputes shall be settled by the wages boards.

9. The board shall establish likewise scales of payment, and if possible minimum wages, for the apprentices in the trade, even where the apprentices are employed in workshops.

10. Every violation of the law shall constitute a penal offense in each case and in respect of each worker concerned.

11. Every trade organization and any person interested in the trade and every society qualified for the purpose may inform the board that wages paid are below the minimum wage fixed for the trade. All such persons or organizations may take legal action.

12. The minimum wages fixed by the local boards may be reviewed by a central commission of revision acting officially and without delay. This commission may modify and co-ordinate local decisions. The governments shall select the members of such commission in equal numbers from the employers and employees composing the local boards.

The delegates' meeting invites the members of Parliament belonging to the International Association to introduce, or cause to be introduced, bills corresponding to the accepted resolution.

The national sections are requested to engage in an energetic campaign in order to convince the public of the necessity of fixing minimum wages for home industries.

III. REPRESENTATIVE OPINIONS UPON THE OPERATION OF MINIMUM WAGE LAWS.

POSITION OF THE AMERICAN FEDERATION OF LABOR ON THE LEGAL MINIMUM WAGE.

From the official report of the Executive Council of the American Federation of Labor to the thirty-third annual convention, 1913:

Conclusions and Recommendations.

"From the report we have given, it will be observed that the movement for a minimum wage for women and minors has gained considerable headway in our country, and that sentiment in favor of a living wage is rapidly crystallizing. That this growth of sentiment among the people is due to the activities of the organized wage earners there can be no doubt. The organized labor movement has insisted from the beginning upon the establishment of a living wage as a minimum, and it has, through the force of organized effort, succeeded in establishing minimum wages and maximum hours of labor far superior to those prescribed by the wage boards of other countries.

"There is a marked difference, however, between the laws of other countries and the laws enacted or proposed in various states in our country. In England and in Australia authority is vested in wage boards to fix minimum wages for men workers as well as for women and minors; whereas in America these laws relate exclusively to women workers and to minors. If it were proposed in this country to vest authority in any tribunal to fix by law wages for men, Labor would protest by every means in its power. Through organization the wages of men can and will be maintained at a higher minimum than they would be if fixed by legal enactment.

"But there is a far more significant ground for opposing the establishment by law of a minimum wage for men. The principle that organization is the most potent means for a shorter workday, and for a higher standard of wages, applies to women workers equally as to men. But the fact must be recognized that

the organization of women workers constitutes a separate and more difficult problem. Women do not organize as readily or as stably as men. They are, therefore, more easily exploited. They certainly are in a greater measure than men entitled to the concern of society. A fair standard of wages, a living wage for all employed in an industry, should be the first consideration in production. None are more entitled to that standard than are the women and minors. An industry which denies to all its workers and particularly denies to its women and minors who are toilers a living wage is unfit and should not be permitted to exist.

"We recognize, of course, that in our time legislation of this character is experimental and that sufficient experience with it has not been had to enable us to secure comprehensive and accurate information as to its tendency and its effect upon wages and industrial conditions; therefore, we recommend that for the information of the labor movement the Executive Council be instructed to watch developments where such legislation is in force and to record carefully the activities, the decisions and the trend of minimum wage boards.

"We recommend that in all minimum wage laws the organized workers should see to it that provision is made for the representation on minimum wage boards of the organized wage earners, and that the laws are so changed or drawn and administered as to afford the largest measure of protection to women and minor workers — those they are designed to protect."

Economic Inequality Between Employer and Employee.

"The legislature has also recognized the fact, * * * that the proprietors of these establishments and their employees do not stand on an equality, and that their interests are, to a certain extent, conflicting. The former naturally desire to obtain as much labor as possible from their employees, while the latter are often induced by the fear of discharge to conform to regulations which their judgment, fairly exercised, would pronounce to be detrimental to their health, and strength. In other words, the proprietors lay down the rules, and the laborers are practically constrained to obey them. * * * The fact that both parties

are of full age, and competent to contract, does not necessarily deprive the state of power to interfere, where the parties do not stand upon an equality, or where the public health demands that one party to the contract shall be protected against himself."

Holden v. Hardy, 169 U. S. 366. Brief for a Proposed Minimum Wage Law, for Wisconsin, prepared under the direction of J. R. Commons.

"All the protection afforded to the laborer as debtor, creditor, wage earner, and wage bargainer in the matter of hours of labor, sanitation, and methods of payment do not avail unless he receives wages sufficient to maintain himself and those dependent upon him in the necessary comforts of life. This is partly the result of new burdens on labor on account of compulsory education, housing and sanitation, pure food laws, industrial accidents, etc. The cost of living to the laborer has been greatly increased by these measures. It is also partly the result of lessened opportunities for labor to escape from the condition of wage earner into the condition of self-employment or the employment of another, on account of disappearance of free public lands, and the large amounts of capital and credit required for business."

Brief for a Proposed Minimum Wage Law for Wisconsin, prepared under the direction of J. R. Commons.

Mr. Ord, the Victorian factory inspector, describes (Report, 1898, pp. 12, 13 and 14) "the saddest feature of the excess of labor over demand. The men are not true to themselves. * * * An old man (in the boot trade) I once asked to sign a statutory declaration as to his wages, looked me fair in the face and said, 'Mr. Ord, I'll declare anything you like.' What he meant was, I must work, and to get and keep the work I will commit perjury if you like. * * * When the same is done by young men, one begins to ask, how can Parliament protect the men against themselves? The only answer appears to me to be, provide work at remunerative wages for men able to work and old age pensions for the old workers."

The Case For and Against a Legal Minimum Wage for Sweated Workers, p. 15; The Woman's Industrial Council, London.

"The variations in the wage rates paid by different factories for the same work are frequent and great. In each occupation listed, except that of washing, the highest wage paid by the establishments at one extreme is at least double that paid by the establishment at the other extreme, and in the excepted occupation of washing, the variation is little short of 100 per cent. In grinding the variation is particularly great, the difference between 6.2 cents an hour and 15 cents an hour being, on a 58-hour per week basis, the difference between $3.60 a week and $8.70 a week."

Report on Condition of Women and Child Wage Earners in the United States. Vol. III, p. 408. Glass Industry. Senate Document No. 645, 61st Congress, 2nd Session, 1911.

A Living Wage and the Parasitic Industries.

The interpretation of "fair and reasonable" wages is given by Mr. Justice Higgins, president of the Australian Commonwealth Court of Arbitration, as follows:

"The provision for a fair and reasonable remuneration is obviously designed for the benefit of the employees in the industry; and it must be meant to secure for them something which they cannot get by the ordinary system of individual bargaining with employers. If Parliament meant that the conditions shall be such as they can get by individual bargaining — if it meant that those conditions are to be fair and reasonable which employees will accept and employers will give in contracts of service — there would have been no need for this provision. The remuneration could safely have been left to the usual, but unequal, contest, the 'higgling of the market' for labor, with the pressure for bread on one side, and the pressure for profits on the other. The standard of 'fair and reasonable' must, therefore, be something else; and I cannot think of any other standard more appropriate than the normal needs of the average employee, regarded as a human being living in a civilized community. I have invited counsel and all concerned to suggest any other standard; and they have been unable to do so. If, instead of individual bargaining, one can conceive of a collective agreement —

an agreement between all the employers in a given trade on the one side, and all the employees on the other — it seems to me that the framers of the agreement would have to take, as the first and dominant factor, the cost of living as a civilized being. If A lets B have the use of his horses, on the terms that he give them fair and reasonable treatment, I have no doubt that it is B's duty to give them proper food (sic) and water, and such shelter and rest as they need; and, as wages are the means of obtaining commodities, surely the state, in stipulating for fair and reasonable remuneration for the employees, means that the wages shall be sufficient to provide these things, and clothing, and a condition of frugal comfort estimated by current human standards. This, then, is the primary test, the test which I shall apply in ascertaining the minimum wage that can be treated as 'fair and reasonable' in the case of unskilled laborers."

Quoted by M. B. Hammond, *American Economic Review*, June, 1913, page 268.

If a man cannot maintain his enterprise without cutting down the wages which are proper to be paid to his employees — at all events, the wages which are essential for their living — it would be better that he should abandon the enterprise. This is the view independently adopted by Mr. Justice Gordon in Adelaide, and Mr. Justice Burnside in Western Australia. The former said in the Brush-makers case, "If any particular industry cannot keep going and pay its employees at least 7s. a day of eight hours, it must shut up." In the Collie Miners case, Mr. Justice Burnside refused an application of the employers to lower the minimum, and said, "If the industry cannot pay that price, it had better stop, and let some other industry absorb the workers." Both the other members of the court concurred in the latter decision. (6 W. A. Arb. Rep. 84.)

Mr. Justice Higgins of the Commonwealth Arbitration Court of Australia, quoted by M. B. Hammond, Ibid., p. 282.

"In view of these conditions, can any one say that a wage of $2.75 a day is, as a matter of law, more than a reasonable living

wage? The unit, as applied to the problem of living, is the family, not the individual, and $2.75, or even $3, a day can hardly be complacently pronounced as an unreasonable sum for supporting such a unit. * * * To hold that the payment of any sum which we cannot say is above a reasonable living wage, though it may be above the prevailing rate of wages, is a mere gratuity, would be to sacrifice the fact to a mere term. Such a holding would be an indictment of our civilization."

Malette v. City of Spokane, Supreme Court of Washington, Pacific Reporter, Feb. 2, 1914, page 508.

"Upon the question of the general policy of Parliament fixing or providing for the fixing of a minimum rate of payment for work, below which it should be illegal to employ people, your committee are of the opinion that it is quite as legitimate to establish by legislation a minimum standard of remuneration as it is to establish such a standard of sanitation, cleanliness, ventilation, air space, and hours of work. If it be said that there may be industries which cannot be carried on if such a standard of payment be enforced, it may be replied that this was said when the enactment of many of the provisions of the factory and other similar acts were proposed, and public opinion supported Parliament in deciding that, if the prognostication were an accurate one, it would be better that any trade which could not exist if such a minimum of decent and humane conditions were insisted upon should cease. Parliament, with the full approval of the nation, has practically so decided again and again, when enactments have been passed forbidding the carrying on of specified industries, unless certain minimum conditions as to health, safety and comfort are complied with."

Report from the Select Committee on Home Work to House of Commons, London, p. xiv, 1908.

Relation to Cost of Production.

(a) *Efficiency of Employer and Employee.*

"Frankly, the minimum wage for women has come. You will have to meet it. And why shouldn't you meet it? What harm

is it going to do you if every merchant has to pay the same wage? It becomes precisely as other expense accounts. Hitherto the law of supply and demand fixed the wage schedule. Henceforth it will be efficiency and if the cost of selling is increased, the purchaser is the one who will pay.

"An eight-hour law for employees is pending in some states. When the law first came into our state, we thought it was very drastic. Time has proved the wisdom of this law. Merchants have adapted themselves to it. Business proceeds with ever-increasing prosperity and we are scarcely conscious of ever having worked without an eight-hour law in effect."

Mr. Arthur Letts, of Los Angeles, president Retail Dry Goods Association. *New York Times,* February 12, 1914.

"It is interesting to note that many of the employers admit that the result of the Trade Board award has been already to call their attention to many instances of waste and leakage in their establishments. While the rate was in partial operation cardboard factories have been carefully overhauled, and a new tidiness and efficiency have entered into them."

Annual Report of the National Anti-Sweating League, London, 1913, p. 7.

"Many people thought an increase in price must follow a rise in wages. Well, in Melbourne the trade boards had raised wages, sometimes by 50 per cent. and 70 per cent. beyond what the women had been getting before, and he had satisfied himself that there was no increase in the price of the furnished article at all as a consequence of the rise in prices. Yet the employers were not bankrupt. The explanation was that when the higher wages had to be paid the industry was carried on in a more efficient way than when the employer paid low wages. For the increased wages they paid they saw to it that they got more efficient work. Thus the labor was not more expensive to the employer, although the workers received more."

Sidney Webb, National Conference on the Prevention of Destitution, p. 425, 1912.

"And it is difficult to believe that the enforcement of a legal minimum wage in all these different industries, employing 110,000 persons (being, with their families, more than a quarter of the entire population of the state), has interfered with the profitableness of industry, when the number of factories has increased, in the sixteen years, by no less than 60 per cent., and the numbers of workers in them have more than doubled. Certainly, no statesman, no economist, no political party nor any responsible newspaper of Victoria, however much a critic of details, ever dreams now of undoing the Minimum Wage Law itself."

Sidney Webb, *Journal of Political Economy,* December, 1912, page 976.

"The unenlightened employers who have opposed these measures persistently asserted that the new restrictions or expenses imposed upon their business would destroy their profits, cripple their competition with foreigners and close their mills. The laws were passed, the burdens were imposed, no such disaster as was predicted actually occurred. Why not? Well, partly because the improved safety, and sanitation, the shorter hours, and other betterment in the condition of the employees raised the efficiency of labor, but partly also because the fear of reduced profits operated upon the employers as a stimulus to improved economy in the conduct of their business. A rise in the wage bill or in other expenses led to the invention or adoption of improved machinery, the utilization of hitherto wasted products, or other improvements either in the technique or in the administration of the business. A trade dependent for its economy upon abundance of cheap, low-grade labor is notoriously an unprogressive trade; an enforced rise of wages will commonly be a spur to progress."

John A. Hobson, before the National Anti-Sweating League, London, 1907. Report of Proceedings, page 55.

"The fact remains that in several trades in which wages have tended upwards there is much testimony to the fact that neither cost nor price have been similarly affected, and in some instances

it has been admitted that they have tended in the opposite direction." The Melbourne manager of one of the largest importing and manufacturing firms in Australia is quoted as saying: "They (the special boards) have made no difference in business and no traceable difference in prices." Another employer in the clothing trade gave an experience of several years during which, while wages had increased 20 per cent., costs had diminished 35 per cent. In the replies furnished to the questions set forth in Form B of Mr. Aves' report, twenty-eight persons state that they are unable to mention a single case in which special boards have led to an increase in price, while nine only answer doubtfully or in the opposite sense. The advantage of a greater equality of conditions on both sides, secured by a minimum rate, appears to be strongly felt in Victoria, and the fact that the honest employer is, under a special board, placed on an equality with the sweater is forcibly insisted on. "This point is mentioned repeatedly." So cautious and careful a collector of evidence as Mr. Aves feels constrained to add that "from this point of view, which is reflected in connection with trades of many descriptions — from engineering down to white work — the special boards may almost be regarded as having won general approval."

Miss Constance Smith in The Case for Wages Boards, London, National Anti-Sweating League; quotations from Mr. Ernest Aves' report on the Australasian systems.

"To the wage earners as a class it is of the utmost importance that the other factors in production — capital and brain power — should always be working at their highest possible efficiency, in order that the common product, on which wages no less than profits depend, may be as large as possible. The enforcement of the common rule on all establishments concentrates the pressure of competition on the brains of the employers, and keeps them always on the stretch. 'Mankind,' says Emerson, 'is as lazy as it dares to be', and so long as an employer can meet the pressure of the wholesale trader, or of foreign competition, by nibbling at wages or 'cribbing time' he is not likely to undertake the 'intolerable toil of thought' that would be required to discover

a genuine improvement in the productive process, or even, as Babbage candidly admits, to introduce improvements that have already been invented."

Sidney Webb, *Journal of Political Economy,* December, 1912, page 983.

"From the point of view of the economist, concerned to secure the highest efficiency of the national industry, it must be counted to the credit of the legal minimum wage that it compels the employer, in his choice of men to fill vacancies, seeing that he cannot get a 'cheap hand' for the price that he has to pay, to be always striving to exact greater strength and skill, a higher standard of sobriety and regular attendance, and a superior capacity for responsibility and initiative. This is exactly what has happened in Victoria under the Minimum Wage Law, as it has happened in Great Britain where a definitely fixed minimum has been substituted for the irregular competitive rates, which, in the absence of a common rule, the sharp or 'cutting' employer can enforce on the weakest or most necessitous workers. Thus, a legal minimum wage positively increases the productivity of the nation's industry, by ensuring that the surplus of unemployed workmen shall be exclusively the least efficient workmen; or, to put it in another way, by ensuring that all the situations shall be filled by the most efficient operatives who are available. This is plainly not the case under 'free competition' where there is no fixed minimum."

Sidney Webb, *Journal of Political Economy,* December, 1912, page 979.

"But it may be remarked, in passing, that it is by no means the general consensus of informed opinion that either maximum time or minimum wage laws, not exceeding a reasonable living wage, when fairly tried out, will have the necessary effect of increasing the cost of work to any material extent, especially when applied only to public work. The evidence shows that there is no scarcity of laborers in Spokane, and it would seem that the shorter hours of labor and higher daily pay would necessarily attract many of them. The city and those doing its work

by contract would thus have the choice, and could select the more efficient laborers. This would unquestionably tend to counteract in efficiency the added cost caused by shorter hours and higher pay. Contractors would, in time, learn this fact and make their calculations and bids accordingly."

Malette v. City of Spokane, Supreme Court of Washington, Pacific Reporter, February 2, 1914, page 504.

"We arrive, therefore, at the unexpected result that the enforcement of definite minimum conditions of employment as compared with a state of absolute freedom to the employer to do as he likes, positively stimulates the invention and adoption of new processes of manufacture. This is no new paradox, but has been repeatedly remarked by the opponents of trade unionism. Thus Babbage, in 1832, described in detail how the invention and adoption of new methods of forging and welding gun barrels was directly caused by the combined insistence on better conditions of employment by all the workmen engaged in the old process.

'In this difficulty (he says) the contractors resorted to a mode of welding the gun barrel according to a plan for which a patent had been taken out by them some years before the event. It had not then succeeded so well as to come into general use, *in consequence of the cheapness of the usual mode of welding by hand labor,* combined with some other difficulties with which the patentee had to contend. But the *stimulus produced by the combination* of the workmen for this advance of wages induced him to make a few trials, and he was enabled to introduce such a facility in welding gun barrels by roller, and such perfection in the work itself, that in all probability very few will in future be welded by hand labor. Similar examples (continues Babbage) must have presented themselves to those who are familiar with the details of our manufactories, but these are sufficient to illustrate one of the results of combinations. * * * It is quite evident that they have all this tendency; it is also certain that considerable stimulus must be applied to induce a man to contrive a new and expensive process; and *that in both these cases unless the fear of pecuniary loss had acted powerfully the improvement would not have been made.*'"

Sidney Webb, *Journal of Political Economy,* December, 1912, page 982.

(b) *Employees Unable to Earn the Minimum Rate.*

"Thus, all the most capable and best conducted would certainly obtain regular situations. But this concentration of employment would, it must be admitted, imply the total exclusion of others, who might, in the absence of regulation, have 'picked up' some sort of partial livelihood. In so far as the persons thus rendered permanently unemployed consisted merely of children removed from industrial work to the schoolroom, few (and certainly no economist) would doubt that the change would be wholly advantageous to national productivity and economic efficiency. And there are many who would welcome a reorganization of industry, which, by concentrating employment exclusively among those in regular attendance, would tend automatically to exclude from wage labor, and to set free for domestic duties, an ever-increasing proportion of the women having young children to attend to. There would still remain to be considered the remnant who, notwithstanding the increased demand for adult male labor and independent female labor, proved to be incapable of earning the legal minimum in any capacity whatsoever. We should, in fact, be brought face to face with the problem, not of the unemployed but of the unemployable; those whom no employer would employ at the legal minimum even if trade was booming and he could get nobody else.

"The unemployable, to put it bluntly, do not and cannot under any circumstances earn their keep. What we have to do with them is to see that as few as possible of them are produced; that such of them as can be cured are (almost at whatever cost) treated so as promptly to remove their incapacity, and that the remnant are provided for at the public expense, as wisely, as humanely, and inexpensively as possible. * * * But, of all ways of dealing with these unfortunate parasites, the most ruinous to the community is to allow them unrestrainedly to compete as wage earners for situations."

Sidney Webb, *Journal of Political Economy,* December, 1912, page 992.

"It is undoubtedly true that a determination in favor of minimum wage regulations does commit organized society to a more

responsible attitude toward the whole labor problem, than any American state has yet adopted. For one, I welcome this prospect and believe that the more serious attention to the questions of unemployment and its remedies, of industrial education and vocational guidance, and of provision for indigent widows and orphans, for the superannuated and for defectives, which it must entail, will prove only advantageous."

Henry R. Seager, *American Labor Legislation Review,* Vol. III, No. 1, page 89.

THE MINIMUM WAGE AS A PUBLIC POLICY.

"Just as it is against public policy to allow an employer to engage a woman to work excessive hours or under insanitary conditions, so it is equally against public policy to permit him to engage her for wages insufficient to provide the food and shelter without which she cannot continue in health. Once we begin to prescribe the minimum conditions under which an employer should be permitted to open a factory, there is no logical distinction to be drawn between the several clauses of the wage contract. From the point of view of the employer, one way of increasing his expenses is the same as another, while to the economist and the statesman, concerned with the permanent efficiency of industry and the maintenance of national health, adequate food is at least as important as reasonable hours or good drainage. To be completely effectual the same policy will, therefore, have to be applied to wages. Thus, to the economist, the enforcement of a legal minimum wage appears but as the latest of the long series of common rules, which experience has proved to be (*a*) necessary to prevent national degradation; and (*b*) positively advantageous to industrial efficiency."

Sidney Webb, *Journal of Political Economy,* December, 1912, pages 988 and 989.

"The eight-hour law manifests a public policy on the part of the state to better the condition of laborers employed upon public work. The purpose of the minimum wage ordinance is precisely the same, and the policy which sustains the one warrants the other. We fail to find wherein the ordinance in question is con-

trary to any public policy of the state, either as declared or implied in any statutory enactment. On the contrary, it is in accord with the policy which underlies the eight-hour law.

Malette v. City of Spokane, Supreme Court of Washington, Pacific Reporter, February 2, 1914, page 502.

"The idea underlying the ultimately developed sentiment of the people upon that subject (exemption) * * * is that the citizen is an essential elementary constituent of the state; that to preserve the state the citizen must be protected; that to live, he must have the means of living; to act and to be a citizen he must be free to act and to have somewhat wherewith to act, and thus to be competent to the performance of his high functions as such. Hence it would seem, as no doubt it was, a matter of the gravest state policy to invest the citizen with, and to secure to him, those essential perquisites, without which the state could not demand of him at all times his instant service and devoted allegiance."

Maxwell v. Reed, 7 Wis. 594. Brief for a Proposed Minimum Wage Law for Wisconsin, prepared under the direction of J. R. Commons.

"A continually fluctuating labor market is a heavy burden on the fair employer in manufacturing. He is menaced by the undercutting of his wage rates by his rivals in business, by strikes of his employees, by the uncertainties of the future, by alterations in costs. His losses besides are those of a citizen obliged to help support those of his competitors not paying a living wage and whose employees are hence from time to time thrown on the community for assistance. We cannot but conclude that the fair employer must in the end agree with us on the desirability and feasibility of the minimum wage as here advocated."

John Mitchell, in The Wage-Earner and His Problem, p. 103.

"First, let us notice that the act of 1896 (like the British Trade Boards Act of 1909), was only a temporary one. It has during the past sixteen years been incessantly discussed; it has been repeatedly considered by the Legislature; and, as a result, it has been five successive times renewed by consent of both

Houses. Can it be that all this is a mistake? Still more convincing, however, are the continuous demands from the other trades, as they witnessed the actual results of the legal minimum wage where it was in force, to be brought under the same law.

"Now, in this remarkable popular demonstration of the success of the act, tested by the not inconsiderable period of sixteen years, extending over years of relative trade depression as well as over years of boom, some features deserve mention. First, the extensions have frequently — indeed, it may be said usually — taken place at the request, or with the willing acquiescence, of the employers in a trade, as well as of the wage earners. What the employers appreciate is, as they have themselves told me, the very fact that the minimum wage is fixed by law and therefore really forced on all employers: The security that the act accordingly gives them against being undercut by the dishonest or disloyal competitors, who simply will not (in Victoria as in the Port of London) adhere to the common rules agreed upon by collective bargaining. We must notice, too, that the application of the law has been demanded by skilled trades as well as by those having no unions at all. One is tempted, indeed, to believe that little remains now outside its scope except the agricultural occupations and domestic service."

Sidney Webb, *Journal of Political Economy,* December, 1912, pages 974, 975 and 976.

"It is now seen that, in carrying his successive factory acts, for one class after another, laying down a legal minimum for one condition after another of the wage contract, Lord Shaftsbury, like the trade unionists whom he feared, was 'building better than he knew.' What was at first empirical has become scientific. 'And so the factory acts,' to use the words of the late Duke of Argyll, uttered as long ago as 1867, 'instead of being excused as exceptional, and pleaded for as justified only under extraordinary conditions, ought to be recognized as in truth the first legislative recognition of a great natural law * * * destined to claim for itself wider and wider application.'"

Sidney Webb, *Journal of Political Economy,* December, 1912, page 998.

"A minimum wage standard is essential for the protection of labor, whether it be under competitive conditions or in the employ of a trust or municipality. We have seen that this is true in the case of thousands of non-English-speaking immigrants at Lawrence and elsewhere. The real question at issue is: Shall this minimum wage be established by law or by labor organizations? It may be best for legislation to avoid this field but, if so, we may look for just such conditions as have been found at Lawrence and Little Falls. For the most oppressed laborers, who are not even able to organize, it would seem that legislation might make a beginning."

John R. Commons, *American Labor Legislation Review,* Vol. III, No. 1, page 92.

"In Victoria and New Zealand, the only states which have had long enough experience with the legal minimum wage to judge adequately of its results, the desirability and necessity of its maintenance have ceased to be seriously questioned. The question which is chiefly discussed in Australia is whether the wages board system or the compulsory arbitration system is the best method of securing this result. In Victoria, where employers for years waged a bitter fight against the wages board system, opposition on their part to the principle of the system seems to have died out, however serious may be their complaints against particular features of the act, against certain determinations of the boards, or against the administration of the act by the chief factory inspector's department. And, lest this favorable opinion of the success of the system be thought simply the expression of a partisan investigator, let me say that the presidents and secretaries of the two strong employers' organizations in Melbourne, the Victorian Chamber of Manufactures and the Victorian Employers' Association, which formerly led the attack on the wages board system, told me that opposition on the part of their members to the wages board had ceased and that they had no wish to see the system abandoned. The same opinion was expressed by all the employers with whom I talked."

M. B. Hammond, *American Labor Legislation Review,* Vol. III, No. 1, pages 112 and 113.

"What the advocates of the minimum wage idea forget is, that the United States is divided into forty-eight separate, competing countries with widely varying conditions of employment and wage standards, Massachusetts being among the states which head the list in high wages, short hours, and favorable factory conditions. For any one of these high class states to set a legal minimum wage will be to open the door to a flood of workers from other states who will expect employment at higher wages. The immigration of aliens from Europe, unless absolutely restricted, will swell this stream of labor, and that Massachusetts could make headway against this inflow is inconceivable. The legal minimum wage will, therefore, drive the slow, the inefficient and the infirm worker out of industry altogether into pauperism, and no sophistical explanation that does not explain will overcome this objection."

Edward F. McSweeney, *American Labor Legislation Review,* Vol. III, No. 1 ,page 98.

"I wish, however, to refer to Australasian experience as affording an answer to certain questions which have arisen in this morning's discussion. It has been said that a wage board would be unable to accomplish much, if anything, in one of our American states, because to set up a living wage as a minimum in any industry in which interstate competition existed would result in driving that industry to another state. Such has not been the experience in Victoria, where for years the wages boards had to meet this same difficulty. It simply meant that interstate competition was one of the conditions which the boards had to consider in fixing wages in the industries with which they were dealing. Sometimes a board would be unable to fix a minimum as high as it would have been willing to do if the interstate competition had not existed, but this did not mean that the board could do nothing. For the chief service to be rendered by the board is the bringing up of wages to the level now maintained by the best employers in the trade. In spite of keen interstate competition, there are many employers in any trade or industry who, in the absence of any legal minimum wage, pay fair and reasonable wages to their employees. This was amply illustrated by

the wage statistics gathered and published by the Massachusetts minimum wage commission. Wages boards in Australia have seldom raised wages above those which the best employers in the trade were already paying. They have simply forced the underpaying employer up to this higher level."

George G. Groat, *American Labor Legislation Review,* Vol. III, No. 1, page 111.

Constitutional Aspects.

"It may be said in a general way that the police power extends to all the great public needs. It may be put forth in aid of what is sanctioned by usage and preponderant opinion to be greatly and immediately necessary to the public welfare."

Noble State Bank v. Haskell, 219 U. S. 104.

"The assumption that no such proposal as that to regulate wages in private employments can be enforced through the courts is premature. It is first indispensable, however, that the American people should be convinced that some action for the protection of the American standard of living is necessary and that the proposed remedy is appropriate. Whereas the Illinois court of last resort once refused to enforce a law regulating the hours of labor of women, and then in the light of further reflection and a more thorough acquaintance with the actual conditions of employment in the state (in the second Ritchie case) reversed its earlier decision, so social reformers who can prove their case for the minimum wage may expect equally favorable consideration from the courts. There is no essential difference, so far as constitutional status is concerned, between the legal regulation of the hours of labor and the legal regulation of wages. The constitutionality of both alike is solely a matter of producing sufficient evidence showing the necessity and appropriateness of the proposed legislation."

Arthur N. Holcombe, *American Economic Review,* p. 29, 1912.

"The proposal is opposed on the ground that it is contrary to the spirit of American institutions and that it leads logically to

socialism. That it involves a pretty complete break with the *laissez faire* theory of government is, of course, true; but that it differs in anything but degree from the legal regulation of safety and sanitary conditions and hours of employment, I am unable to see. The spirit of American institutions, as interpreted by the Supreme Court of the United States, has proved itself sufficiently broad to embrace hour regulations for women and children, and even for men in hazardous employments. If the need and efficiency of minimum wage regulations can be demonstrated, I believe that they, too, will be recognized as within the scope of that broad power of police, through which individual liberty may be curbed for the sake of the common welfare. From one point of view, any extension of the functions of government in the industrial field, leads in the direction of socialism, but there is certainly quite as much logic in the contention that this and other needed social reforms tend to make outright socialism undesirable and unnecessary, as in the other view that the adoption of any policy that socialists happen to advocate must lead to socialism. Moreover, most thoughtful Americans have ceased to find in the phrase 'socialistic' any very clear or convincing reason either for or against a proposed policy."

Henry R. Seager, *American Labor Legislation Review*, Vol. III, No. 1, page 88.

"It is too plain for argument that every maximum hours law prescribing less than the number of hours usually constituting a day's labor, when coupled with a provision for minimum pay not less than the current rate for a day's labor, is a minimum wage law pure and simple, prescribing a wage above the current rate for the same class of labor. Every objection, therefore, which can be logically or legally raised against an undisguised minimum wage law, can be advanced, just as logically and just as legally, against the usual eight-hour law."

Malette v. City of Spokane, Supreme Court of Washington, Pacific Reporter, February 2, 1914, page 499.

"If it is within the power of the Legislature to regulate the maximum hours of labor for women employed in laundries, which

service is not necessarily an occupation which in itself is detrimental to health, reasoning by analogy it would follow as a reasonable conclusion that such regulation might be lawfully applied to all occupations of women, and, more certainly, the occupations of minors. Assuming this proposition to be true when applied to the regulation of the maximum hours of labor, it would also be true when applied to the same class limiting the minimum wage, unless there is a sound reason that distinguishes the one from the other.

"To make effective a law fixing maximum hours of labor, it may become necessary to have a law fixing a minimum wage. The two are inseparably linked together. This is especially true in the case of the employment of women and children, for the reason that the occupations in which they may be usefully employed are necessarily limited, while the number seeking such employment is necessarily large. The two laws are necessary complements of each other, and go to the same effect, and to secure the same end. If the law regulating the number of hours of labor for women and minors is within the police power and constitutional, a law fixing a minimum wage is also within the police power.

"The purpose of the act in limiting the maximum hours of labor and the minimum wage for women, is evidently the same, viz., to preserve and conserve their health and morals. Is the preservation and conservation of the health and morals of women workers a public concern, or is it merely a matter that concerns the individuals employed? If the enactment is for the public health, peace, morality and general welfare it falls within the police power of the state to regulate. The complexity and intimate relations of our present day civilization are such that there is a necessary dependency of the public welfare upon the health, morality and vigor of our women and children, when considered from physiological, sociological and moral standpoints. The women are and are to be the mothers of our future citizens, and the children of to-day will be the citizens of to-morrow and when any considerable number of them are employed at wages which reduce them to beggary or denies a sufficient compensation to preserve health, the insufficiency of such wages becomes a powerful factor

in determining the social, moral and physical status of the body politic and is a matter of public concern."

Opinion of Judge T. J. Cleeton, in the case of Frank C. Stettler vs. Edwin V. O'Hara, Bertha Moores, and Amedee M. Smith, constituting the Industrial Welfare Commission of the State of Oregon. (Oregon Circuit Court, County of Multnomah, November 7, 1913.

LAW A PROGRESSIVE SCIENCE AND ADAPTABLE TO NEW CONDITIONS.

29 Wash. 602: "Law is, or ought to be, a progressive science. While the principles of justice are immutable, changing conditions of society and the evolution of employment make a change in the application of principles absolutely necessary to an intelligent administration of government. Transportation companies are now restricted, where a few years ago they claimed the right to transact their business exactly as it suited their private interests. * * *"

Slaughter House Cases, 16 Wall. 97: "Law is, to a certain extent, a progressive science * * * certain other classes of persons, particularly those engaged in dangerous or unhealthful occupations, have been found to be in need of additional protection. * * * Law will be forced to adapt itself to new conditions of society, and particularly to new relations between employers and employees as they arise."

Brief for a Proposed Wage Law for Wisconsin, prepared under the direction of J. R. Commons.

APPENDIX A.

DECISION OF OREGON SUPREME COURT UPHOLDING MINIMUM WAGE LAW.

IN THE SUPREME COURT OF THE STATE OF OREGON
IN BANC.

FRANK C. STETTLER,
Appellant,
vs.
EDWIN V. O'HARA, BERTHA MOORES and AMEDEE M. SMITH, constituting the Industrial Welfare Commission of the State of Oregon,
Respondents.

Affirmed March 17, 1914.

Appeal from the Circuit Court for Multnomah county. Hon. T. J. Cleeton, Judge. Argued and submitted, February 9, 1914.

STATEMENT.

This is a suit instituted by the appellant, plaintiff below, against the respondents, defendants below, to restrain the defendants, who constitute the Industrial Welfare Commission, from enforcing a certain order passed by such Commission.

The plaintiff is engaged in the manufacture of paper boxes in the city of Portland, and on the 10th day of September,

1913, said Commission adopted an order whereby it is required that no person operating any manufacturing establishment in the city of Portland shall employ any women in such establishment for more than nine hours a day or employ any experienced adult women worker at a weekly wage of less than $8.64.(1).

DECISION.

On February 17, 1913, the legislative assembly passed an act entitled:

> "To protect the lives and health and morals of women and minor workers, and to establish an Industrial Welfare Commission and define its powers and duties, and to provide for the fixing of minimum wages and maximum hours and standard conditions of labor for such workers, and to provide penalties for violation of this act."

The title is followed by a declaration of the evils that it is desired to remedy as follows:

> "Whereas, the welfare of the state of Oregon requires that women and minors should be protected from conditions of labor which have a pernicious effect on their health and morals, and inadequate wages and unduly long hours and unsanitary conditions of labor have such a pernicious effect; therefore, be it enacted by the people of the state of Oregon."

The first section provides:

> "It shall be unlawful to employ women or minors in any occupation within the state of Oregon for unreasonably long hours; and it shall be unlawful to employ women or minors in any occupation within the state of Oregon under such surroundings or conditions — sanitary or otherwise — as may be detrimental to their health or morals; and it shall be unlawful to employ women in any occupation within the state of Oregon for wages which are inadequate to supply the necessary cost of living, and to maintain them in health; and it shall be unlawful to employ minors in any occupation within the state of Oregon for unreasonably low wages."

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(1) Taken from appellant's brief.

Then follows the creation of the commission under the name of the "Industrial Welfare Commission," to be appointed by the Governor, and provisions defining its duties. Section 4 provides:

> "Said commission is hereby authorized and empowered to ascertain and declare, in the manner hereinafter provided, the following things: (a) Standards of hours of employment for women or for minors and what are unreasonably long hours for women or for minors in any occupation within the state of Oregon; (b) standards of conditions of labor for women or for minors in any occupation within the state of Oregon and what surroundings or conditions — sanitary or otherwise — are detrimental to the health or morals of women or of minors in any such occupation; (c) standards of minimum wages for women in any occupation within the state of Oregon and what wages are inadequate to supply the necessary cost of living to any such women workers and to maintain them in good health; and (d) standards of minimum wages for minors in any occupation within the state of Oregon and what wages are unreasonably low for any such minor workers."

Section 8 provides among other things that the

> "Commission may call and convene a conference for the purpose and with the powers of considering and inquiring into and reporting on the subject investigated by said commission and submitted by it to such conference. Such conference shall be composed of not more than three representatives of the employers in said occupation and of an equal number of the representatives of the employees in said occupation and of not more than three disinterested persons representing the public and of one or more commissioners,"

and the duties of such conference, which shall report the result of its investigations with recommendations to the commission. Section 9 provides that upon the receipt of the report from the conference, and the approval of its recommendations, the commission may make and render such order as may be proper or necessary to adopt such recommendations and to carry the same into

effect and require all employers in the occupation affected thereby to observe and comply with such recommendations and said order. The act contains other provisions giving the commission and conference power and authority to investigate the matters being considered, and that from the matters so determined by the commission there shall be no appeal on any question of fact; but that there shall be a right of appeal from the commission to the Circuit Court from any ruling or holding on a question of law included or embodied in any decision or order by the commission, and from the Circuit Court to the Supreme Court. The defendants were duly appointed by the Governor as such commission. It thereafter called a conference as provided, which reported to the commission, making certain recommendations, which were approved; and based upon such recommendations it made the following order:

> "The Industrial Welfare Commission of the state of Oregon hereby orders that no person, firm, corporation, or association owning or operating any manufacturing establishment in the city of Portland, Oregon, shall employ women in said establishment for more than nine hours a day, or fifty* hours a week; or fix, allow, or permit for any woman employee in said establishment a noon lunch period of less than forty-five minutes in length; or employ any experienced adult woman worker, paid by time rates of payment, in said establishment at a weekly wage of less than $8.64, any lesser amount being hereby declared inadequate to supply the necessary cost of living to such woman factory workers and to maintain them in health."

The amended complaint sets out all these matters in greater detail, to which the defendants demurred on various grounds, the first of which raises the questions here discussed, namely, that

> "it does not state facts showing that the act and order complained of is an unreasonable exercise of the police power of the state."

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* Should read "fifty-four" — Error in pleadings.

The demurrer was sustained, and the plaintiff elected to stand on the amended complaint. Judgment was rendered dismissing the suit, and the plaintiff appeals.

Eakin, J.:

The purpose of this suit is to have determined judicially whether either the fourteenth amendment of the federal constitution, or Section 20, Article I, of the Oregon Constitution is an inhibition against the regulation by the legislature of the hours of labor during which women may be employed in any mechanical or manufacturing establishment, mercantile occupation, or other employment requiring continuous physical labor; or against the establishment of a minimum wage to be paid therefor. Some features of these questions are practically new in the courts of this country. There have been some utterances by the courts of last resort to the effect that it is such an inhibition. Some of these cases relate exclusively to the limitation of the hours of employment, others to the wages to be paid on contracts with the state or municipality; but the cases so holding are based largely on the fact that such regulation deprives the individual of liberty and property without due process of law, namely, that it is not within the police power of the state and violates the liberty of contract. The first case holding such a statute unconstitutional is Lochner vs. New York, 198 U. S. 45, Sup. Ct. 539, 49 L. Ed. 937, annotated in 3 Ann. Cas. 1133. A similar case is Ritchie vs. People, 155 Ill. 98, 40 N. E. 454, 29 L. R. A. 79, 46 Am. St. Rep. 315. In the former case, in the Appellate Division of the State Court two of five judges were in favor of upholding the law; in the Supreme Court of the State three of the seven judges were so minded; and in the United States Court four of the nine judges favored such a disposition of the case. The opinions in those decisions are based upon different theories, showing that judicial opinion has not reached any settled or stable basis upon which to rest. It has only been during the last few years that the matter of legislation upon the question of the limitation of hours of labor has been agitated in legislative bodies or in the courts. The decisions of the courts have been based upon first impression and may be liable to fluc-

tuation from one extreme to the other before the extent of the power of legislation on these questions is finally settled. The entry of woman into the realm of many of the employments formerly filled by man, in which she attempts to compete with him, is a recent innovation; and it has created a condition which the legislatures have deemed it their duty to investigate and to some extent govern. It is conceded by all students of the subject, and they are many and their writings extensive, that woman's physical structure and her position in the economy of the race renders her incapable of competing with man either in strength or endurance. This is well-emphasized by Justice Brewer in Muller vs. Oregon, 208 U. S. 412, 28 Sup. Ct. 324, 52 L. Ed. 13 Ann. Cas. 957, an appeal from Oregon questioning the constitutionality of the law fixing the maximum hours of labor for women, where he says:

> "That woman's physical structure and the performance of maternal functions place her at a disadvantage in the struggle for subsistence is obvious. This is especially true when the burdens of motherhood are upon her. Even when they are not, by abundant testimony of the medical fraternity, continuance for a long time on her feet at work, repeating this from day to day, tends to injurious effects upon the body, and as healthy mothers are essential to vigorous offspring, the physical wellbeing of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race. Still, again, history discloses the fact that woman has always been dependent upon man. He established his control at the outset by superior physical strength, and this control in various forms, with diminishing intensity, has continued to the present. As minors, though not to the same extent, she has been looked upon in the courts as needing especial care that her rights may be preserved. * * * Differentiated by these matters from the other sex, she is properly placed in a class by herself, and legislation designed for her protection may be sustained, even when like legislation is not necessary for men and could not be sustained. It is impossible to close one's eyes to the fact that she still looks to her brother and depends upon him. * * * that her phys-

ical structure and a proper discharge of her maternal functions — having in view not merely her own health, but the wellbeing of the race — justify legislation to protect her from the greed as well as the passion of man. The limitations which this statute places upon her contractual powers, upon her right to agree with her employer as to the time she shall labor, are not imposed solely for her benefit, but also largely for the benefit of all. Many words cannot make this plainer. * * * This difference justifies a difference in legislation and upholds that which is designed to compensate for some of the burdens which rest upon her."

The conditions mentioned in the above quotation lie at the foundation of all legislation attempted for the amelioration of woman's condition in her struggle for subsistence. In many states as well as in foreign countries special study and investigation have been given to this question as to the effect of long hours of labor and inadequate wages upon the health, morals, and welfare of woman, with a view to remedy the evil results as far as possible. There seems to be a very strong and growing sentiment throughout the land, and a demand that something must be done by law to counteract the evil effects of these conditions. In the case of Lochner vs. New York, *supra,* in which the constitutionality of the labor law of New York, limiting the hours of labor in bakeries, is questioned Justice Peckham wrote the opinion holding the law invalid. Justice Harlan filed a dissenting opnion which should not be overlooked as the parts here quoted are general statements of the law recognized by judicial opinion and not in conflict with the main opinion. Justices White and Day concurred therein; Justice Holmes also dissenting. In that opinion it is said:

"While this court has not attempted to mark the precise boundaries of what is called the police power of the state, the existence of the power has been uniformly recognized, both by the federal and state courts."

In quoting from Patterson vs. Kentucky, 97 U. S. 501, he says:

"It (this court) has nevertheless with marked distinctness and uniformity, recognized the necessity, growing out of the

fundamental conditions of civil society, of upholding state police regulations which were enacted in good faith, and had appropriate and direct connection with that protection of life, health and property which each state owes to her citizens. But neither the (14th) amendment — broad and comprehensive as it is — nor any other amendment was designed to interfere with the power of the state, sometimes termed its police power, to prescribe regulations to promote the health, peace, morals, education, and good order of the people. * * * Granting then that there is a liberty of contract which cannot be violated even under the sanction of direct legislative enactment, but assuming, as according to settled law we may assume, that such liberty of contract is subject to such regulations as the state may reasonably prescribe for the common good and wellbeing of society, what are the conditions under which the judiciary may declare such regulations to be in excess of legislative authority and void? Upon this point there is no room for dispute; for, the rule is universal that a legislative enactment, federal or state, is never to be disregarded or held invalid unless it be, beyond question, plainly and palpably in excess of legislative power."

The opinion of the justices who hold the maximum hours laws unconstitutional are based largely upon the fact that they violate the liberty of contract; holding that such acts are not within the fair meaning of the term "a health law," but are not an illegal interference with the rights of the individual and are not within the police power of the legislature to enact. The right of the state to prescribe the number of hours one may work or be employed on public works is generally upheld for the reason that the state may determine for itself what shall constitute a day's work of a laborer on public works, which violates no individual right of property or liberty of contract. Penn. Bridge Co. vs. United States, 29 App. Cas. (D. C.) 452, 10 Ann. Cas. 720; Byars vs. State, 2 Okla. Crim. 481, 102 Pac. 804, 22 Ann. Cas. 765; People vs. Chicago, 256 Ill. 558, 100 N. E. 194, 30 Ann. Cas. 304. So it is held that work underground or in a smelter is unhealthy and may be regulated in ex parte Boyce, 27 Nev. 299, 75 Pac. 1, 65 L. R. A. 47, 1

Ann. Cas. 66; Holden vs. Hardy, 169 U. S. 366; ex parte Kair, 28 Nev. 127, 425, 80 Pac. 463, 82 Pac. 453, 6 Ann. Cas. 893. In the Lochner case, *supra,* employment in a bakery and candy factory is held not to be unhealthy, and that a statute limiting the hours of labor therein is void. A statute fixing the hours of labor for women is held valid in State vs. Muller, 48 Or. 252, 85 Pac. 855, 120 Am. St. Rep. 205, annotated in 11 Ann. Cas. 88, which case is affirmed in 208 U. S. 412 and annotated in 13 Ann. Cas. 957. In Ritchie vs. People, *supra,* the law limiting hours of work for women was held void. However in Ritchie & Co. vs. Wayman, 244 Ill. 509, 91 N. E. 695, 27 L. R. A. (N. S.) 994, such a law was held valid as within the police power of the legislature; and, again, in People vs. Chicago, *supra,* and in People vs. Elerding, 254 Ill. 579, 92 N. E. 982, the law was upheld. Thus it appears that Illinois has wholly receded from the decision in the case of Ritchie vs. People, *supra,* and it may be now considered as established that a statute which limits the hours of labor of certain occupations or for certain classes of persons for the protection of the health and welfare of society is within the police power of the state. Commonwealth vs. Riley, 210 Mass. 387, 97 N. E. 367, 25 Ann. Cas. 388; State vs. Somerville, 67 Wn. 638, 122 Pac. 324. It was said in People vs. Elerding, *supra,* wherein a statute limiting the working hours per day for males was held unconstitutional as a valid exercise of the police power:

> "That under the police power of the state the general assembly may enact legislation to prohibit all things hurtful to the health, welfare, and safety of society, even though the prohibition invade the right of liberty or property of the individual, is too well-settled to require discussion or the citation of authority. * * * While in its last analysis it is a question whether an act is a proper exercise of the police power, it is the province of the legislature to determine when an exigency exists calling for the exercise of this power. When are legislative authority has decided an exigency exists calling for the exercise of the power and has adopted an act to meet the emergency, the presumption is that it is a valid enactment, and the courts will sustain it unless it appears, be-

yond any reasonable doubt, that it is in violation of some constitutional limitation."

On the same subject it is said in Lochner vs. New York, *supra,* quoting from Jacobson vs. Massachusetts, 197 U. S. 11, 25 Sup. Ct. 358, 48 L. Ed. 643, relating to the vaccination statute, that

> " the power of the courts to review legislative action in respect of a matter affecting the general welfare exists only 'when that which the legislature has done comes within the rule that if a statute, purporting to have been enacted to protect the public health, the public morals, or the public safety, has no real or substantial relation to those objects, or is beyond all question a plain, palpable invasion of rights secured by the fundamental law.' * * * If there be doubt as to the validity of the statute, that doubt must therefore be resolved in favor of its validity, and the courts must keep their hands off, leaving the legislature to meet the responsibility for unwise legislation."

In re Spencer, 149 Cal. 396, 9 Ann. Cas. 1105, it is said:

> " The presumption always is that an act of the legislature is constitutional, and when this depends upon the existence or non-existence of some fact, or state of facts, the determination thereof is primarily for the legislature, and the courts will acquiesce in its decision, unless the error clearly appears."

The legislative power of the state is not derived by grant of the constitution, but exists as to all subjects not inhibited by the state or federal constitution.

There is only one federal inhibition urged against this statute, namely:

> " No state shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States, nor shall any state deprive any person of life, liberty or property without due process of law, or deny to any person within its jurisdiction an equal protection of the law."

Fourteenth amendment. It may probably be conceded that the public welfare statute in question here violates this clause as abridging privileges of citizens if it cannot be justified as a police measure; and we will assume, without entering into a discussion of that question or citation of authorities, that provisions enacted by the state under its police power that have for their purpose the protection or betterment of the public health, morals, peace, and welfare, and reasonably tend to that end, are within the power of the state notwithstanding that they may apparently conflict with the fourteenth amendment of the federal constitution.

So that the first and principal question for decision is whether the provisions of the act before us are within the police power of the state. Professor Tucker, in 8 Cyc. 863, says:

> "Police power is the name given to the inherent sovereignty which it is the right and duty of the government or its agents to exercise whenever public policy, in a broad sense, demands, for the benefit of society at large, regulations to guard its morals, safety, health, order, or to insure in any respect such economic conditions as an advancing civilization of a highly complex character requires."

This is a comprehensive definition, and we will accept it without further detailed analysis or citation of authority. As will appear from the cases cited above we can accept as settled law statutes having for their purpose and tending to that end provision for a maximum hours law of labor for employees upon public works, a maximum hours law for women and children employed in mechanical, mercantile, or manufacturing establishments, a maximum hours law for laborers in mines or smelters, a law fixing minimum wages for employees upon public works. The latter is held in Malette vs. Spokane (Wash.) 137 Pac. 500, even where the expense is borne by private individuals, so that the only question for decision here is as to the power of the legislature to fix a minimum wage in such a case. We use the language of Mr. Malarkey:

> "The police power, which is another name for the power of government, is as old and unchanging as government itself. If its existence be destroyed government ceases. There have

been many attempts to define the police power and its scope; but because of confusing the power itself with the changing conditions calling for its application, many definitions are inexact and unsatisfactory. The courts have latterly eliminated much of this confusion by pointing out that, instead of the power being expanded to apply to new conditions, the new conditions are, as they arise, brought within the immutable and unchanging principles underlying the power. When new conditions arise which injuriously affect the health or morals or welfare of the public, we no longer say that we will expand the police power to reach and remedy the evil. Instead we say that a new evil has arisen which an old principle of govment — the police power — will correct."

If the statute tends reasonably to accomplish the purposes intended by the legislature, it should be upheld by the court. Justice Harlan, in Jacobson vs. Massachusetts, *supra,* quoting from Viemeister vs. White, 191 U. S. 223, states:

"A common belief, like common knowledge, does not require evidence to establish its existence, but may be acted upon without proof by the legislature and the courts. The fact that the belief is not universal is not controlling, for there is scarce any belief that is accepted by everyone. The possibility that the belief may be wrong, and that science may yet show it to be wrong, is not conclusive; for the legislature has the right to pass laws, which, according to the common belief of the people, are adapted to prevent the spread of contagious diseases. In a free country, where the government is by the people, through their chosen representatives, practical legislation admits of no other standard of action; for what the people believe is for the common welfare, must be accepted as tending to promote the common welfare, whether it does in fact or not. Any other basis would conflict with the spirit of the constitution, and would sanction measures opposed to a republican form of government. While we do not decide and cannot decide that vaccination is a preventative of smallpox, we take judicial notice of the fact that this is the common belief of the people of the state, and with

this fact as a common foundation we hold that the statute in question is a health law, enacted in a reasonable and proper exercise of the police power."

In speaking of the Oregon ten-hour law, Chief Justice Bean, in the case of State vs. Muller, *supra,* says:

> "Such legislation must be taken as expressing the belief of the legislature, and through it of the people, that the labor of females in such establishments in excess of 10 hours in any one day is detrimental to health and injuriously affects the public welfare. The only question for the court is whether such regulation or limitation has any real or substantial relation to the object sought to be accomplished, or whether it is so 'utterly unreasonable and extravagant' as to amount to a mere arbitrary interference with the right of contract. On this question we are not without authority."

These are some of the grounds upon which maximum ten hours laws are sustained, and we have cited them here as applying with equal force to sustain the women's minimum wage law and as bringing it within the police power of the legislature. The state should be as zealous of the morals of its citizens as of their health. The "whereas clause" quoted above is a statement of the facts or conclusions constituting the necessity for the enactment, and the act proceeds to make provision to remedy these causes. "Common belief" and "common knowledge" are sufficient to make it palpable and beyond doubt that the employment of female labor as it has been conducted is highly detrimental to public morals and has a strong tendency to corrupt them. Elizabeth Beardsley Butler in her "Women of the Trades" says:

> "Yet the fact remains that, for the vast bulk of salesgirls, the wages paid are not sufficient for self-support; and where girls do not have families to fall back on, some go undernourished and some sell themselves. And the store-employment which offers them this two-horned dilemma is replete with opportunities which in gradual, easy, attractive ways beckon to the second choice; a situation which few employers not only seem to tolerate, but to encourage."

The legislature of the state of Massachusetts appointed a commission known as the Commission on Minimum Wage Boards to investigate conditions. In the report of that commission in January, 1912, it said:

> "Women in general are working because of dire necessity, and in most cases the combined income of the family is not more than adequate to meet the family's cost of living. In these cases it is not optional with the woman to decline the low-paid employment. Every dollar added to the family income is needed to lighten the burden which the rest are carrying. * * * Wherever the wages of such women are less than the cost of living and the reasonable provision for maintaining the worker in health, the industry employing her is in receipt of the working energy of a human being at less than its cost, and to that extent is parasitic. The balance must be made up in some way. It is generally paid by the industry employing the father. It is sometimes paid in part by the future inefficiency of the worker herself and by her children, and perhaps in part ultimately by charity and the state. * * * If an industry is permanently dependent for its existence on underpaid labor, its value to the Commonwealth is questionable."

Many more citations might be made from the same authorities and from such students of the question as Miss Caroline Gleason, of Portland, Oregon; Louise B. More, of New York; Irene Osgood, of Milwaukee, and Robert C. Chapin, of Beloit College. With this common belief, of which Justice Harlan says "we take judicial notice," the court cannot say, beyond all question, that the act is a plain, palpable invasion of rights secured by the fundamental law, and has no real or substantial relation to the protection of public health, the public morals, or public welfare. Every argument put forward to sustain the maximum hours law or upon which it was established applies equally in favor of the constitutionality of the minimum wage law, as also within the police power of the state and as a regulation tending to guard the public morals and the public health.

Plaintiff by his complaint questions the law also as a violation of section 20, of article I, of the constitution of Oregon. As we understand this contention it is that the order applies to manufacturing establishments in Portland alone, that other persons in the same business in other localities are unaffected by it and that is discriminatory. The law by which plaintiff is bound is contained in section 1 of the act quoted above. If he will, he can comply with this provision without any action by the commission, and it applies to all the state alike. The other provisions of the act are for the purpose of ascertaining for those who are not complying with it what are reasonable hours of labor and what is a reasonable wage in the various occupations and localities in the state to govern in the application of section 1 of the act and for the purpose of fixing penalties for violations thereof. Counsel seem to consider the order of the commission as a law which the commission has been authorized to promulgate, but we do not understand this to be its province. Section 4 provides: "Said commission is hereby authorized and empowered to ascertain and declare (a) standards of hours," etc. By section 8 it is only after investigation by the commission, and when it is of opinion therefrom that any substantial number of women in any occupation are working unreasonably long hours or for inadequate wages, that it shall, by means of a conference, ascertain what is a reasonable number of hours for work and a minimum rate of wages, when it may make such an order as may be necessary to adopt such regulations as to hours of work and minimum wages; and section 1 of the act shall be enforced on that basis. There is nothing in the record suggesting that there is a substantial number of women workers in the same occupation as those included in the order complained of here working unreasonably long hours or for an inadequate wage in any locality other than in Portland. Other cases as they are discovered are to be remedied as provided therefor, but the law is state-wide and it does not give to plaintiff unequal protection of the law nor grant to others privileges denied to him; neither does it delegate legislative power to the commission. It is authorized only to ascertain facts that will determine the localities, businesses, hours and wages to which the law shall

apply. Counsel urges that the law upon this question interferes with plaintiff's freedom of contract, and refers to the language used in re Jacobs, 98 N. Y. 98, 50 Am. Rep. 636, to wit:

> "Liberty, in its broad sense as understood in this country, means the right, not only of freedom from actual servitude, imprisonment, or restraint, but the right of one to use his faculties in all lawful ways to live and work where he will,"

etc., as a change brought about by the larger freedom enjoyed in this country and guaranteed by the federal constitution and the constitutions of the various states in comparison with conditions in the earlier days of the common law, when it was found necessary to prevent extortion and oppression by royal proclamation and otherwise, and to establish reasonable compensation for labor; but he fails to take note that by reason of this larger freedom the tendency is to return to the earlier conditions of long hours and low wages, so that some classes in some employments seem to need protection from the same conditions for which royal proclamation was found necessary. The legislature has evidently concluded that in certain localities these conditions pervail in Oregon; that there are many women employed at inadequate wages — employment not secured by the agreement of the worker at satisfactory compensation, but at a wage dictated by the employer. The worker in such a case has no voice in fixing the hours or wages, or choice to refuse it, but must accept it or fare worse. As said in Wells vs. Great Northern Ry. Co., 59 Or. 165, 114 Pac. 92, 116 Pac. 1070, 34 L. R. A. (N. S.) 818, as to a baggage contract printed on the ticket of a passenger:

> "In this case neither was it the subject of agreement between the company and the carrier (passenger) but was imposed by the company as a condition of the sale of the ticket, and in signing the ticket the plaintiff was laboring under such an inequality of conditions as that he was compelled to enter into the contract, whether he would or not."

In the dissenting opinion in the Lockner case, *supra,* it is said:

> "It is plain that this statute was enacted in order to protect the physical wellbeing of those who work in bakeries and

> confectionary establishments. It may be that the statute had its origin, in part, in the belief that employers and employees in such establishments were not upon equal footing, and that the necessities of the latter often compelled them to submit to such exactions as unduly taxed their strength. Be that as it may, the statute must be taken as expressing the belief of the people of New York that, as a general rule and in the case of the average man, labor in excess of sixty hours during a week in such establishments may endanger health of those who labor."

Counsel suggest it is only quite recently that it has been seriously contended that the state may lawfully establish a minimum wage in private employments. This is undoubtedly true, and it may be that there is an occasion for it. The legislature seems to have acted on the idea that conditions have changed, or that private enterprises have become so crowded that their demands amount to unreasonable exactions from women and children; that occasion has arisen for relief through its police power; and that it has determined the public welfare demands enactment of this statute. Justice Washington, in Ogden vs. Saunders, 12 Wheat. 269, says that the question which he has been examining is involved in difficulty and doubt,

> "but if I could rest my opinion in favor of the constitutionality of the law on which the question arises on no other ground than this doubt so felt and acknowledged, that alone would in my estimation be a satisfactory vindication of it. It is but a decent respect due to the wisdom, the integrity and the patriotism of the legislative body by which any law is passed, to presume in favor of its validity, until its violation of the constitution is proved beyond all reasonable doubt."

Plaintiff further contends that the statute is void for the reason that it makes the findings of the commission on all questions of fact conclusive, and therefore takes his property without due process of law; relying on the decision of Chicago, etc., Ry. Co. vs. Minnesota, 134 U. S. 418, 10 Sup. Ct. Rep. 462, 33 L. Ed. 970, as conclusive upon that question. That case was an attack upon

the law creating a railway and warehouse commission, which was held valid by the state of Minnesota, but the United States Court reversed the judgment there for the reason that the law does not provide for a hearing by the parties affected by the order, which is not due process of law, and that no notice and opportunity to be heard is provided for, which is the principal ground upon which the State Court was reversed. Louisville & N. R. Co. vs. Garrett, 34 Sup. Ct. Rep. 48, is a case very much in point, in which was had a hearing before the Railway Commission of Kentucky, fixing freight rates between certain points within the state. The plaintiff attacked the legality of these orders because they were final and conclusive without right of appeal, and that by reason thereof plaintiff was deprived of property without due process of law. In deciding this question, the court said:

> "If (the law) require a hearing * * * and a determination by the commission whether the existing rates were excessive. But on these conditions being fulfilled, the questions of fact which might arise * * * would not become, as such, judicial questions to be re-examined by the courts. The appropriate questions for the courts would be whether the commission acted within the authority duly conferred."

Thus, in the present case, plaintiff was given the right and opportunity to be heard before the commission, as provided for by section 9 of the act. In the third subdivision of the opinion in the latter case it is held that, even though the law gives no right of appeal from the final findings of facts, a party aggrieved is not without remedy as to matters that would be the appropriate subject of judicial inquiry, namely, if the rates fixed are confiscatory; but where such a board has fully and fairly investigated and fixed what it believes to be reasonable rates, the party affected thereby has not been deprived of due process of law. San Diego Land & Town Co. v. National City, 174 U. S. 739, 19 Sup. Ct. Rep. 804, 43 L. Ed. 1154; Spring Valley Water Works vs. San Francisco, 82 Cal. 286, 22 Pac. 910, 1046; Louisville & N. R. Co. v. Garrett, *supra*. Many other cases are cited in the briefs of defendants

fully supporting their contention. Due process of law merely requires such tribunals as are proper to deal with the subject in hand. Reasonable notice and a fair opportunity to be heard before some tribunal before it decides the issues are the essentials of due process of law. It is sufficient for the protection of his constitutional rights if he has notice and is given an opportunity at some state of the proceeding to be heard. Towns v. Klamath County, 33 Or. 225, 63 Pac. 604.

We think we should be bound by the judgment of the legislature that there is a necessity for this act, that it is within the police power of the state to provide for the protection of the health, morals and welfare of women and children, and that the law should be upheld as constitutional.

The decree of the Circuit Court is affirmed. McBride, C. J., not sitting.

APPENDIX B.

THE AMERICAN MINIMUM WAGE LAWS.

CALIFORNIA.

Laws 1913. Chapter 324.

AN ACT regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including a minimum wage; providing for an appropriation therefor and fixing a penalty for violations of this act.

The People of the State of California do enact as follows:

SECTION 1. There is hereby established a commission to be known as the industrial welfare commission, hereinafter called the commission. Said commission shall be composed of five persons, at least one of whom shall be a woman, and all of whom shall be appointed by the governor as follows: two for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years; *provided, however,* That at the expiration of their respective terms, their successors shall be appointed to serve a full term of four years. Any vacancies shall be similarly filled for the unexpired portion of the term in which the vacancy shall occur. Three members of the commission shall constitute a quorum. A vacancy on the commission shall not impair the right of the remaining members to perform all the duties and exercise all the powers and authority of the commission.

SEC. 2. The members of said commission shall draw no salaries but all of said members shall be allowed ten dollars per diem while engaged in the performance of their official duties. The commission may employ a secretary, and such expert, clerical

and other assistants as may be necessary to carry out the purposes of this act, and shall fix the compensation of such employees, and may, also, to carry out such purposes, incur reasonable and necessary office and other expenses, including the necessary traveling expenses of the members of the commission, of its secretary, of its experts, and of its clerks and other assistants and employees. All employees of the commission shall hold office at the pleasure of the commission.

Sec. 3. (*a*) It shall be the duty of the commission to ascertain the wages paid, the hours and conditions of labor and employment in the various occupations, trades, and industries in which women and minors are employed in the State of California, and to make investigations into the comfort, health, safety and welfare of such women and minors.

(*b*) It shall be the duty of every person, firm or corporation employing labor in this state:

1. To furnish to the commission, at its request, any and all reports or information which the commission may require to carry out the purposes of this act, such reports and information to be verified by the oath of the person, or a member of the firm, or the president, secretary, or manager of the corporation furnishing the same, if and when so requested by the commission or any member thereof.

2. To allow any member of the commission, or its secretary, or any of its duly authorized experts or employees, free access to the place of business or employment of such person, firm, or corporation, for the purpose of making any investigation authorized by this act, or to make inspection of, or excerpts from, all books, reports, contracts, pay rolls, documents, or papers of such person, firm or corporation relating to the employment of labor and payment therefor by such person, firm or corporation.

3. To keep a register of the names, ages, and residence addresses of all women and minors employed.

(*c*) For the purposes of this act, a minor is defined to be a person of either sex under the age of eighteen years.

SEC. 4. The commission may specify times to hold public hearings, at which times, employers, employees, or other interested persons, may appear and give testimony as to the matter under consideration. The commission or any member thereof shall have power to subpoena witnesses and to administer oaths. All witnesses subpoenaed by the commission shall be paid the fees and mileage fixed by law in civil cases. In case of failure on the part of any person to comply with any order of the commission or any member thereof, or any subpoena, or upon the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated before any wage board or the commission, it shall be the duty of the superior court or the judge thereof, on the application of a member of the commission, to compel obedience in the same manner, by contempt proceedings or otherwise, that such obedience would be compelled in a proceeding pending before said court. The commission shall have power to make and enforce reasonable and proper rules of practice and procedure and shall not be bound by the technical rules of evidence.

SEC. 5. If, after investigation, the commission is of the opinion that, in any occupation, trade, or industry, the wages paid to women and minors are inadequate to supply the cost of proper living, or the hours or conditions of labor are prejudicial to the health, morals or welfare of the workers, the commission may call a conference, hereinafter called "wage board", composed of an equal number of representatives of employers and employees in the occupation, trade, or industry in question, and a representative of the commission to be designated by it, who shall act as the chairman of the wage board. The members of such wage board shall be allowed five dollars per diem and necessary traveling expenses while engaged in such conferences. The commission shall make rules and regulations governing the number and selection of the members and the mode of procedure of such wage board, and shall exercise exclusive jurisdiction over all questions arising as to the validity of the procedure and of the recommendations of such wage board. The proceedings and deliberations of such wage board shall be made a matter of record for the use of

the commission, and shall be admissible as evidence in any proceedings before the commission. On request of the commission, it shall be the duty of such wage board to report to the commission its findings, including therein:

1. An estimate of the minimum wage adequate to supply to women and minors engaged in the occupation, trade or industry in question, the necessary cost of proper living and to maintain the health and welfare of such women and minors.

2. The number of hours of work per day in the occupation, trade or industry in question, consistent with the health and welfare of such women and minors.

3. The standard conditions of labor in the occupation, trade or industry in question, demanded by the health and welfare of such women and minors.

Sec. 6. (*a*) The commission shall have further power after a public hearing had upon its own motion or upon petition, to fix:

1. A minimum wage to be paid to women and minors engaged in any occupation, trade or industry in this state, which shall not be less than a wage adequate to supply to such women and minors the necessary cost of proper living and to maintain the health and welfare of such women and minors.

2. The maximum hours of work consistent with the health and welfare of women and minors engaged in any occupation, trade or industry in this state; *provided,* That the hours so fixed shall not be more than the maximum now or hereafter fixed by law.

3. The standard conditions of labor demanded by the health and welfare of the women and minors engaged in any occupation, trade or industry in this state.

(*b*) Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and acting upon any matters referred to in subsection (*a*) hereof, the commission shall give public notice by advertisement in at least one newspaper

published in each of the cities of Los Angeles and Sacramento and in the city and county of San Francisco, and by mailing a copy of said notice to the county recorder of each county in the state, of such hearing and purpose thereof, which notice shall state the time and place fixed for such hearing which shall not be earlier than fourteen days from the date of publication and mailing of such notices.

(*c*) After such public hearing, the commission may, in its discretion, make a mandatory order to be effective in sixty days from the making of such order, specifying the minimum wage for women or minors in the occupation in question, the maximum hours; *provided,* That the hours specified shall not be more than the maximum for women or minors in California, and the standard conditions of labor for said women or minors; *provided, however,* That no such order shall become effective until after April 1, 1914. Such order shall be published in at least one newspaper in each of the cities of Los Angeles and Sacramento and in the city and county of San Francisco, and a copy thereof be mailed to the county recorder of each county in the state, and such copy shall be recorded without charge, and to the labor commissioner who shall send by mail, so far as practicable, to each employer in the occupation in question, a copy of the order, and each employer shall be required to post a copy of such order in the building in which women or minors affected by the order are employed. Failure to mail notice to the employer shall not relieve the employer from the duty to comply with such order. Finding by the commission that there has been such publication and mailing to county recorders shall be conclusive as to service.

SEC. 7. Whenever wages, or hours, or conditions of labor have been so made mandatory in any occupation, trade or industry, the commission may at any time in its discretion, upon its own motion or upon petition of either employers or employees, after a public hearing held upon the notice prescribed for an original hearing, rescind, alter or amend any prior order. Any order rescinding a prior order shall have the same effect as herein provided for in an original order.

Sec. 8. For any occupation in which a minimum wage has been established, the commission may issue to a woman physically defective by age or otherwise, a special license authorizing the employment of such licensee, for a period of six months, for a wage less than such legal minimum wage; and the commission shall fix a special minimum wage for such person. Any such license may be renewed for like periods of six months.

Sec. 9. Upon the request of the commission, the labor commissioner shall cause such statistics and other data and information to be gathered, and investigations made, as the commission may require. The cost thereof shall be paid out of the appropriations made for the expenses of the commission.

Sec. 10. Any employer who discharges, or threatens to discharge, or in any other manner discriminates against any employee because such employee has testified or is about to testify, or because such employer believes that said employee may testify in any investigation, or proceedings relative to the enforcement of this act, shall be deemed guilty of a misdemeanor.

Sec. 11. The minimum wage for women and minors fixed by said commission as in this act provided, shall be the minimum wage to be paid to such employees, and the payment to such employees of a less wage than the minimum so fixed shall be unlawful, and every employer or other person who, either individually or as an officer, agent, or employee of a corporation or other person, pays or causes to be paid to any such employee a wage less than such minimum, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment.

Sec. 12. In every prosecution for the violation of any provision of this act, the minimum wage established by the commission as herein provided shall be *prima facie* presumed to be reasonable and lawful, and to be the living wage required herein to be paid to women and minors. The findings of fact made by the commission acting within its powers shall, in the absence of

fraud, be conclusive; and the determination made by the commission shall be subject to review only in a manner and upon the grounds following: within twenty days from the date of the determination, any party aggrieved thereby may commence in the superior court in and for the city and county of San Francisco, or in and for the counties of Los Angeles or Sacramento, an action against the commission for review of such determination. In such action a complaint, which shall state the grounds upon which a review is sought, shall be served with the summons. Service upon the secretary of the commission, or any member of the commission, shall be deemed a complete service. The commission shall serve its answer within twenty days after the service of the complaint. With its answer, the commission shall make a return to the court of all documents and papers on file in the matter, and of all testimony and evidence which may have been taken before it, and of its findings and the determination. The action may thereupon be brought on for hearing before the court upon such record by either party on ten days' notice of the other. Upon such hearing, the court may confirm or set aside such determination; but the same shall be set aside only upon the following grounds:

(1) That the commission acted without or in excess of its powers.

(2) That the determination was procured by fraud.

Upon the setting aside of any determination the court may recommit the controversy and remand the record in the case to the commission for further proceedings. The commission, or any party aggrieved, by a decree entered upon the review of a determination, may appeal therefrom within the time and in the manner provided for an appeal from the orders of the said superior court.

SEC. 13. Any employee receiving less than the legal minimum wage applicable to such employee shall be entitled to recover in a civil action the unpaid balance of the full amount of such minimum wage, together with costs of suit, notwithstanding any agreement to work for such lesser wage.

Sec. 14. Any person may register with the commission a complaint that the wages paid to an employee for whom a living rate has been established, are less than that rate, and the commission shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less than the living wage.

Sec. 15. The commission shall biennially make a report to the governor and the state legislature of its investigations and proceedings.

Sec. 16. There is hereby appropriated annually out of the moneys of the state treasury, not otherwise appropriated, the sum of fifteen thousand dollars, to be used by the commission in carrying out the provisions of this act, and the controller is hereby directed from time to time to draw his warrants on the general fund in favor of the commission for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

Sec. 17. The commission shall not act as a board of arbitration during a strike or lock-out.

Sec. 18. (*a*) Whenever this act, or any part or section thereof, is interpreted by a court, it shall be liberally construed by such court.

(*b*) If any section, subsection, or subdivision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases is declared unconstitutional.

Sec. 19. The provisions of this act shall apply to and include women and minors employed in any occupation, trade or industry, and whose compensation for labor is measured by time, piece or otherwise.

[Approved May 26, 1913.]

COLORADO.

Laws 1913. Chapter 110.

AN ACT providing for the determination of minimum wages for women and minors.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. There is hereby created a state wage board to be composed of three members; at least one of whom shall be a representative of labor, at least one of whom shall be a woman and one of whom shall be an employer of labor. The members of said board shall be appointed by the governor, immediately upon the taking effect of this act and the term of existence of said board shall be for two years.

SEC. 2. It shall be the duty of the wage board to inquire into the wages paid to female employes above the age of eighteen years and minor employes under eighteen years of age in any mercantile, manufacturing, laundry, hotel, restaurant, telephone or telegraph business in this state, if the board or any member of it may have reason to believe the wages paid any such employes are inadequate to supply the necessary cost of living, maintain them in health, and supply the necessary comforts of life. The wage board shall also inquire into the cost of living in the locality or localities in which the business is carried on and shall take into consideration the financial condition of the business and the probable effect thereon of any increase in the minimum wage paid in different localities, which inquiry and investigation shall be held in the locality affected. After such investigation it shall be the duty of the wage board to fix the minimum wage, whether by time rate or piece rate, suitable for the female employes over eighteen years of age in such business or in any or all of the branches thereof and also a suitable minimum wage for minors under eighteen years of age employed in the said business. When two or more members of the wage board shall agree upon a minimum wage determination, the board shall give public notice, by advertisement published once in a newspaper of general circulation in the county or counties in which any such

business so affected is located, declaring such minimum wage determination or determinations and giving notice of a public hearing thereon to be heard in the town or city nearest the place wherein the inadequate wage is found to exist; said hearing to be held not earlier than thirty days from the date of such publication. A copy of such notice shall also be mailed to the person, association or corporation engaged in the business affected. After such public hearing or after the expiration of the thirty days, provided no public hearing is demanded, the wage board shall issue an obligatory order to be effective in sixty days from the date of said order, specifying the minimum wages for women or minors or both in the occupation affected, or any branch thereof, and after such order is effective, it shall be unlawful for any employer in said occupation to employ a female over eighteen years of age or a minor under eighteen years of age for less than the rate of wages specified for such female or minor. The order shall be published once in a newspaper of general circulation in the county or counties in which any such business affected is located and a copy of the order shall be sent by mail to the person, association or corporation engaged in said business; and each such employer shall be required to post a copy of said order in a conspicuous place in each building in which women or minors affected by the order are employed.

Sec. 3. The board shall, for the purposes of this act, have the power to subpoena witnesses and compel their attendance, to administer oaths, and examine witnesses under oath, and to compel the production of papers, books, accounts, documents and records. If any person shall fail to attend as a witness when subpoenaed by the board or shall refuse to testify when ordered so to do, the board may apply to any district court or county court to compel obedience on the part of such person and such district or county court shall thereupon compel obedience by proceedings for contempt as in case of disobedience of any order of said court.

Sec. 4. Each witness who shall appear before the board by order of the board shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in the district courts of the state.

SEC. 5. A full and complete record shall be kept of all testimony taken by, and of all proceedings had before the board.

SEC. 6. Any employer, employe or other person directly affected by any order of the board fixing and determining a minimum wage in any occupation or industry, shall have the right of appeal from such order to the district court of the state on the ground that such order is unlawful or unreasonable. The evidence considered upon such appeal shall be confined to the evidence presented to the board in the case from the decision in which the appeal is taken, and the order of the board shall remain in full force and effect until such order is reversed or set aside by the district court. In all proceedings in the district court the district attorney shall appear for the board. In all proceedings in the supreme court the attorney-general shall appear for the board.

SEC. 7. Any person or partnership or corporation employing any female person above the age of eighteen years at less than the minimum wage fixed for such persons by this board, and any person, partnership or corporation employing any person of either sex under the age of eighteen years at less than the minimum wage fixed for such persons by this board, or violating any other provision of this act shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars for each offense, or by imprisonment in the county jail for not more than three months or by both fine and imprisonment.

SEC. 8. Any employer who discharges or in any other manner discriminates against any employe because such employe has testified, or is about to testify, or because such employer believes that said employe may testify, in any investigation or proceeding relative to the enforcement of this act, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of twenty-five dollars for each such misdemeanor.

SEC. 9. Justices of the Peace shall have, according to law, jurisdiction within their respective counties of all offenses arising under the provisions of this act.

Sec. 10. If any employe shall receive less than the minimum wage fixed by this board for employes in the occupation in which said person is employed, he or she shall be entitled to recover in a civil action, the full amount which would have been due said employe if the minimum wage fixed by the board had been paid, together with costs and attorney fees to be fixed by the court, notwithstanding any agreement to work for such lower wage. In such action, however, the employer shall be credited with any wages which have been paid said employe.

Sec. 11. For any occupation in which a minimum time rate only has been established, the wage board may issue to any female over the age of eighteen, physically defective, a special license authorizing the employment of such licensee for a wage less than the legal minimum wage; Provided, it is not less than the special minimum wage fixed for said person.

Sec. 12. The wage board shall, by and with the consent of the governor, appoint a secretary who may, or may not be a member of the board, and who shall give his entire time to the duties of the office, whose salary shall be twelve hundred dollars ($1,200.00) per annum, payable monthly. The members of said wage board and the secretary thereof shall be paid all necessary traveling and incidental expenses actually incurred in the performance of their official duties, not to exceed thirteen hundred dollars ($1,300.00) per annum. The board of capitol managers shall provide a suitable room for the use of said wage board and its secretary. There is hereby appropriated for the payment of the aforesaid salary and expenses, out of any moneys in the state treasury not otherwise appropriated for other ordinary expenses of the departments of the state, the sum of five thousand dollars ($5,000.00); and the auditor of the state is hereby authorized and directed to draw his warrants on said fund upon certified vouchers of the chairman of said board attested by its secretary.

Sec. 13. The board shall, within thirty days after the convening of the twentieth general assembly, make a report to the governor and to the general assembly, of its investigations and

proceedings during the period of its existence, up to and including November 30, 1914.

SEC. 14. All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.

[Approved May 14, 1913, at 10.15 A. M.]

MASSACHUSETTS.

Laws 1912. Chapter 706.

(As amended by Chapters 673 and 330, Laws of 1913.)

AN ACT to establish the minimum wage commission and to provide for the determination of minimum wages for women and minors.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established a commission to be known as the Minimum Wage Commission. It shall consist of three persons, one of whom may be a woman, to be appointed by the governor, with the advice and consent of the council. One of the commissioners shall be designated by the governor as chairman. The first appointments shall be made within ninety days after the passage of this act, one for a term ending October first, nineteen hundred and thirteen, one for a term ending October first, nineteen hundred and fourteen, and one for a term ending October first, nineteen hundred and fifteen; and beginning with the year nineteen hundred and thirteen, one member shall be appointed annually for the the term of three years from the first day of October and until his successor is qualified. Any vacancy that may occur shall be filled in like manner for the unexpired part of the term.

SEC. 2. Each commissioner shall be paid ten dollars for each day's service, in addition to the traveling and other expenses incurred in the performance of his official duties. The commission may appoint a secretary, who shall be the executive officer of the board and to whose appointment the rules of the civil service commission shall not apply. It shall determine his salary, subject

to the approval of the governor and council. The commission may incur other necessary expenses not exceeding the annual appropriation therefor, and shall be provided with an office in the state house or in some other suitable building in the city of Boston.

Sec. 3. It shall be the duty of the commission to inquire into the wages paid to the female employees in any occupation in the commonwealth, if the commission has reason to believe that the wages paid to a substantial number of such employees are inadequate to supply the necessary cost of living and to maintain the worker in health.

Sec. 4. If after such investigation the commission is of the opinion that in the occupation in question the wages paid to a substantial number of female employees are inadequate to supply the necessary cost of living and to maintain the worker in health, the commission shall establish a wage board consisting of not less than six representatives of employers in the occupation in question and of an equal number of persons to represent the female employees in said occupation, and of one or more disinterested persons appointed by the commission to represent the public, but the representatives of the public shall not exceed one-half of the number of representatives of either of the other parties. The commission shall designate the chairman from among the representatives of the public, and shall make rules and regulations governing the selection of members and the modes of procedure of the boards, and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and of the determinations of the boards. The members of wage boards shall be compensated at the same rate as jurors; they shall be allowed the necessary traveling and clerical expenses incurred in the performance of their duties, these payments to be made from the appropriation for the expenses of the commission.

Sec. 5. The commission may transmit to each wage board all pertinent information in its possession relative to the wages paid in the occupation in question. Each wage board shall take into consideration the needs of the employees, the financial condition

of the occupation and the probable effect thereon of any increase in the minimum wages paid, and shall endeavor to determine the minimum wage, whether by time rate or piece rate, suitable for a female employee of ordinary ability in the occupation in question, or for any or all of the branches thereof, and also suitable minimum wages for learners and apprentices and for minors below the age of eighteen years. When a majority of the members of a wage board shall agree upon minimum wage determinations, they shall report such determinations to the commission, together with the reasons therefor and the facts relating thereto.

SEC. 6. Upon receipt of a report from a wage board, the commission shall review the same, and may approve any or all of the determinations recommended, or may disapprove any or all of them, or may recommit the subject to the same or to a new wage board. If the commission approves any or all of the determinations of the wage board it shall, after not less than fourteen days' notice to employers paying a wage less than the minimum wage approved, give a public hearing to such employers, and if, after such public hearing, the commission finally approves the determination, it shall enter a decree of its findings and note thereon the names of employers, so far as they may be known to the commission, who fail or refuse to accept such minimum wage and to agree to abide by it. The commission shall thereafter publish in at least one newspaper in each county of the commonwealth a summary of its findings and of its recommendations. It shall also at such times and in such manner as it shall deem advisable publish the facts, as it may find them to be, as to the acceptance of its recommendations by the employers engaged in the industry to which any of its recommendations relate, and may publish the names of employers whom it finds to be following or refusing to follow such recommendations. An employer who files a declaration under oath in the supreme judicial court or the superior court to the effect that compliance with the recommendation of the commission would render it impossible for him to conduct his business at a reasonable profit shall be entitled to a review of said recommendation by the court under the rules of equity procedure. The burden of proving the averments of said declaration shall be

upon the complainant. If, after such review, the court shall find the averments of the declaration to be sustained, it may issue an order restraining the commission from publishing the name of the complainant as one who refuses to comply with the recommendations of the commission. But such review, or any order issued by the court thereupon, shall not be an adjudication affecting the commission as to any employer other than the complainant, and shall in no way affect the right of the commission to publish the names of those employers who do comply with its recommendations. The type in which the employers' names shall be printed shall not be smaller than that in which the news matter of the paper is printed. The publication shall be attested by the signature of at least a majority of the commission.

Sec. 7. In case a wage board shall make a recommendation of a wage determination in which a majority but less than two-thirds of the members concur, the commission, in its discretion, may report such recommendation and the pertinent facts relating thereto to the general court.

Sec. 8. Whenever a minimum wage rate has been established in any occupation, the commission may, upon petition of either employers or employees, reconvene the wage board or establish a new wage board, and any recommendation made by such board shall be dealt with in the same manner as the original recommendation of a wage board.

Sec. 9. For any occupation in which a minimum time rate only has been established, the commission may issue to any woman physically defective a special license authorizing the employment of the licensee for a wage less than the legal minimum wage; *provided,* That it is not less than the special minimum wage fixed for that person.

Sec. 10. The commission may at any time inquire into the wages paid to minors in any occupation in which the majority of employees are minors, and may, after giving public hearings, determine minimum wages suitable for such minors. When the commission has made such a determination, it may proceed in the

same manner as if the determination had been recommended to the commission by a wage board.

Sec. 11. Every employer of women and minors shall keep a register of the names, addresses and occupations of all women and minors employed by him and shall, on request of the commission or of the director of the bureau of statistics, permit the commission or any of its members or agents, or the director of the bureau of statistics or any duly accredited agent of said bureau, to inspect the said register and to examine such parts of the books and records of employers as relate to the wages paid to women and minors. The commission shall also have power to subpoena witnesses, administer oaths and take testimony. Such witnesses shall be summoned in the same manner and be paid from the treasury of the commonwealth the same fees as witnesses before the superior court.

Sec. 12. Upon request of the commission, the director of the bureau of statistics shall cause such statistics and other data to be gathered as the commission may require, and the cost thereof shall be paid out of the appropriation made for the expenses of the commission.

Sec. 13. Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because the employer believes that the employee may testify, in any investigation or proceeding relative to the enforcement of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred dollars, and not more than one thousand dollars for each offence.

Sec. 14. The commission shall from time to time determine whether employers in each occupation investigated are obeying its decrees, and shall publish in the manner provided in section six, the name of any employer whom it finds to be violating any such decree.

Sec. 15. Any newspaper refusing or neglecting to publish the findings, decrees or notices of the commission at its regular

rates for the space taken shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars for each offence.

Sec. 16. No member of the commission and no newspaper publisher, proprietor, editor or employee thereof, shall be liable to an action for damages for publishing the name of any employer in accordance with the provisions of this act, unless such publication contains some wilful misrepresentation.

Sec. 17. The commission shall, annually, on or before the first Wednesday in January, make a report to the general court of its investigations and proceedings during the preceding year.

Sec. 18. This act shall take effect on the first day of July in the year nineteen hundred and thirteen.

[Approved June 4, 1912.]

Minnesota.

Laws 1913. Chapter 547.

AN ACT to establish a minimum wage commission, and to provide for the determination and establishment of minimum wages for women and minors.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. There is hereby established a commission to be known as the minimum wage commission. It shall consist of three persons, one of whom shall be the commissioner of labor who shall be the chairman of the commission, the governor shall appoint two others, one of whom shall be an employer of women, and the third shall be a woman, who shall act as secretary of the commission. The first appointments shall be made within sixty days after the passage of this act for a term ending January 1, 1915. Beginning with the year 1915 the appointments shall be for two years from the first day of January and until their successors qualify. Any vacancy that may occur shall be filled in like manner for the unexpired portion of the term.

Sec. 2. The commission may at its discretion investigate the wages paid to women and minors in any occupations in the state.

At the request of not less than one hundred persons engaged in any occupation in which women and minors are employed, the commission shall forthwith make such investigation as herein provided.

SEC. 3. Every employer of women and minors shall keep a register of the names and addresses of, and wages paid to all women and minors employed by him, together with number of hours that they are employed per day or per week; and every such employer shall on request permit the commission or any of its members or agents to inspect such register.

SEC. 4. The commission shall specify times to hold public hearings at which employers, employes, or other interested persons may appear and give testimony as to wages, profits and other pertinent conditions of the occupation or indusrty. The commission or any member thereof shall have power to subpoena witnesses, to administer oaths, and to compel the production of books, papers, and other evidence. Witnesses subpoenaed by the commission may be allowed such compensation for travel and attendance as the commission may deem reasonable, to an amount not exceeding the usual mileage and per diem allowed by our courts in civil cases.

SEC. 5. If after investigation of any occupation the commission is of opinion that the wages paid to one-sixth or more of the women or minors employed therein are less than living wages, the commission shall forthwith proceed to establish legal minimum rates of wages for said occupation, as hereinafter described and provided.

SEC. 6. The commission shall determine the minimum wages sufficient for living wages for women and minors of ordinary ability, and also the minimum wages sufficient for living wages for learners and apprentices. The commission shall then issue an order, to be effective thirty days thereafter, making the wages thus determined the minimum wages in said occupation throughout the state, or within any area of the state if differences in the cost of living warrant this restriction. A copy of said order shall be mailed, so far as practicable, to each employer affected; and

each such employer shall be required to post such a reasonable number of copies as the commission may determine in each building or other work-place in which affected workers are employed. The original order shall be filed with the commissioner of labor.

Sec. 7. The commission may at its discretion establish in any occupation an advisory board which shall serve without pay, consisting of not less than three nor more than ten persons representing employers, and an equal number of persons representing the workers in said occupation, and of one or more disinterested persons appointed by the commission to represent the public; but the number of representatives of the public shall not exceed the number of representatives of either of the other parties. At least one-fifth of the membership of any advisory board shall be composed of women, and at least one of the representatives of the public shall be a woman. The commission shall make rules and regulations governing the selection of members and the modes of procedure of the advisory boards, and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and determination of said boards. Provided: that the selection of members representing employers and employes shall be, so far as practicable, through election by employers and employes respectively.

Sec. 8. Each advisory board shall have the same power as the commission to subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Witnesses subpoenaed by an advisory board shall be allowed the same compensation as when subpoenaed by the commission. Each advisory board shall recommend to the commission an estimate of the minimum wages, whether by time rate or by piece rate, sufficient for living wages for women and minors of ordinary ability, and an estimate of the minimum wages sufficient for living wages for learners and apprentices. A majority of the entire membership of an advisory board shall be necessary and sufficient to recommend wage estimates to the commission.

Sec. 9. Upon receipt of such estimates of wages from an advisory board, the commission shall review the same, and if it

approves them shall make them the minimum wages in said occupation, as provided in section 6. Such wages shall be regarded as determined by the commission itself and the order of the commission putting them into effect shall have the same force and authority as though the wages were determined without the assistance of an advisory board.

SEC. 10. All rates of wages ordered by the commission shall remain in force until new rates are determined and established by the commission. At the request of approximately one-fourth of the employers or employes in an occupation, the commission must reconsider the rates already established therein and may, if it sees fit, order new rates of minimum wages for said occupation. The commission may likewise reconsider old rates and order new minimum rates on its own initiative.

SEC. 11. For any occupation in which a minimum time rate of wages only has been ordered the commission may issue to a woman physically defective a special license authorizing her employment at a wage less than the general minimum ordered in said occupation: and the commission may fix a special wage for such person. Provided: that the number of such persons shall not exceed one-tenth of the whole number of workers in any establishment.

SEC. 12. Every employer in any occupation is hereby prohibited from employing any worker at less than the living wage or minimum wage as defined in this act and determined in an order of the commission: and it shall be unlawful for any employer to employ any worker at less than said living or minimum wage.

SEC. 13. It shall likewise be unlawful for any employer to discharge or in any manner discriminate against any employe because such employe has testified, or is about to testify, or because such employer believes that said employe is about to testify, in any investigation or proceeding relative to the enforcement of this act.

Sec. 14. Any worker who receives less than the minimum wage ordered by the commission shall be entitled to recover in civil action the full amount due as measured by said order of the commission, together with costs and attorney's fees to be fixed by the court, notwithstanding any agreement to work for a lesser wage.

Sec. 15. The commission shall enforce the provisions of this act, and determine all questions arising thereunder, except as otherwise herein provided.

Sec. 16. The commission shall biennially make a report of its work to the governor and the state legislature, and such reports shall be printed and distributed as in the case of other executive documents.

Sec. 17. The members of the commission shall be reimbursed for traveling and other necessary expenses incurred in the performance of their duties on the commission. The woman member shall receive a salary of eighteen hundred dollars annually for her work as secretary. All claims of the commission for expenses necessarily incurred in the administration of this act, but not exceeding the annual appropriation hereinafter provided, shall be presented to the state auditor for payment by warrant upon the state treasurer.

Sec. 18. There is appropriated out of any money in the state treasury not otherwise appropriated for the fiscal year ending July 31, 1914, the sum of five thousand dollars $(5,000.00), and for the fiscal year ending July 31, 1915, the sum of five thousand dollars ($5,000.00).

Sec. 19. Any employer violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished for each offense by a fine of not less than ten nor more than fifty dollars or by imprisonment for not less than ten nor more than sixty days.

Sec. 20. Throughout this act the following words and phrases, as used herein, shall be considered to have the following

meanings respectively, unless the context clearly indicates a different meaning in the connection used:

(1) The terms "living wage" or "living wages" shall mean wages sufficient to maintain the worker in health and supply him with the necessary comforts and conditions of reasonable life; and where the words "minimum wage" or "minimum wages" are used in this act, the same shall be deemed to have the same meaning as "living wage" or "living wages."

(2) The terms "rate" or "rates" shall mean rate or rates of wages.

(3) The term "commission" shall mean the minimum wage commission.

(4) The term "woman" shall mean a person of the female sex eighteen years of age or over.

(5) The term "minor" shall mean a male person under the age of twenty-one years, or a female person under the age of eighteen years.

(6) The terms "learner" and "apprentice" may mean either a woman or a minor.

(7) The terms "worker" or "employe" may mean a woman, a minor, a learner, or an apprentice, who is employed for wages.

(8) The term "occupation" shall mean any business, industry, trade, or branch of a trade, in which women or minors are employed.

SEC. 20. This act shall take effect and be in force from and after its passage.

[Approved April 26, 1913.]

Nebraska.

Laws 1913. Chapter 211.

AN ACT to establish a minimum wage commission and to provide for the determination of minimum wages for women and minors.

Be it enacted by the People of the State of Nebraska:

Section 1. There is hereby established a commission to be known as the Nebraska minimum wage commission. The governor is hereby made a member of said commission. Within thirty days from the passage and approval of this act he shall appoint the following additional members: deputy commissioner of labor, a member of the political science department of the University of Nebraska, one other member who shall be a citizen of the state. At least one member of said commission shall be a woman. Each of the above appointments shall be for a period of two years and may be renewed thereafter. Any vacancy occurring in the commission shall be filled by the governor. Within ten days after such appointment the commission shall meet and organize by the election of a chairman and secretary.

Sec. 2. Each commissioner shall be paid all traveling and other expenses incurred in the performance of his or her official duties. The commission may incur other necessary expenses not exceeding the biennial appropriation therefor and shall be provided with an office in the state house or at the state university.

Sec. 3. It shall be the duty of the commission to inquire into the wages paid to the female employees in any occupation in the commonwealth, if the commission has reason to believe that the wages paid to a substantial number of such employees are inadequate to supply the necessary cost of living and to maintain the worker in health.

Sec. 4. If after such investigation the commission is of the opinion that in the occupation in question the wages paid to a substantial number of female employees are inadequate to supply the necessary cost of living and to maintain the worker in health, the commission shall establish a wage board consisting of not less

than three representatives of employers in the occupation in question and of an equal number of persons to represent the female employees in said occupation, and in addition thereto the three appointed members of the commission to represent the public. The chairman of the commission shall be chairman of the wage board and shall make rules and regulations governing the procedure of the board and exercise jurisdiction over all questions arising with reference to the validity of the procedure and the determinations of the board. The secretary of the commission shall be secretary of the wage board and keep such record of hearings and arguments as the wage board shall direct. The members of wage boards shall be compensated at the same rate as jurors in district court; they shall be allowed necessary traveling and other expenses incurred in the performance of their duties, these payments to be made from the appropriation for the expenses of the commission.

SEC. 5. The commission may transmit to each wage board all pertinent information in its possession relative to the wages paid in the occupation in question. Each wage board shall take into consideration the needs of the employees, the financial condition of the occupation and the probable effect thereon of any increase in the minimum wages paid, and shall endeavor to determine the minimum wage, whether by time rate or piece rate, suitable for a female employee of ordinary ability in the occupation in question, or for any or all of the branches thereof, and also suitable minimum wages for learners and apprentices and for minors below the age of eighteen years. When two-thirds the members of the wage board shall agree upon minimum wage determinations, they shall report such determinations to the commission, together with the reasons therefor and the facts relating thereto, and also the names, so far as they can be ascertained by the board, of employers who pay less than the minimum wage so determined.

SEC. 6. Upon receipt of a report from the wage board, the commission shall review the same, and report its review to the governor. If the commission approves any or all of the determinations of the wage board it shall, after not less than thirty days' notice to employers paying a wage less than the minimum

wage approved, give a public hearing to such employers, and if, after such public hearing the commission finally approves the determination, it shall enter a decree of its findings and note thereon the names of employers, so far as they may be known to the commission, who fail or refuse to accept such minimum wage and to agree to abide by it. The commission shall, within thirty days thereafter, publish the names of all such employers in at least one newspaper in each county in the commonwealth, together with the material part of its findings, and a statement of the minimum wages paid by every such employer. Any employer upon filing a declaration under oath in the district court to the effect that compliance with such decree would endanger the prosperity of the business to which the same is made applicable, shall be entitled to a stay of execution of such decree, and a review thereof with reference to the question involved in such declaration. Such review shall be made by the court under the rules of equity procedure, and if it shall be found by the court that compliance with such decree is likely to endanger the prosperity of the business to which the same is applicable, then an order shall issue from said court revoking the same. The type in which the employers' names shall be printed shall not be smaller than that in which the news matter of the paper is printed. The publication shall be attested by the signature of at least a majority of the commission.

Sec. 7. In case a wage board shall make a recommendation of a wage determination in which a majority but less than two-thirds of the members concur, the commission, in its discretion, may report such recommendation and the pertinent facts relating thereto to the legislature.

Sec. 8. Whenever a minimum wage rate has been established in any occupation, the commission may, upon petition of either employers or employees, reconvene the wage board or establish a new wage board, and any recommendation made by such board shall be dealt with in the same manner as the original recommendation of a wage board.

Sec. 9. For any occupation in which a minimum time rate only has been established, the commission may issue to any

woman physically defective a special license authorizing the employment of the licensee for a wage less than the legal minimum wage: *Provided,* that it is not less than the special minimum wage fixed for that person.

SEC. 10. The commission may at any time inquire into the wages paid to minors in any occupation in which the majority of employees are minors, and may, after giving public hearings, determine minimum wages suitable for such minors. When the commission has made such a determination, it may proceed in the same manner as if the determination had been recommended to the commission by the wage board.

SEC. 11. Every employer of women and minors shall keep a register of the names and addresses of all women and minors employed by him, and shall on request permit the commission or any of its members or agents to inspect the register. The commission shall also have power to subpoena witnesses, administer oaths and take testimony, and to examine such parts of the books and records of employers as relate to the wages paid to women and minors. Such witnesses shall be summoned in the same manner and be paid from the treasury of the commonwealth the same fees as witnesses before the District Court.

SEC. 12. The commission may cause such statistics and other data to be gathered as it may deem desirable, and the cost thereof shall be paid out of the appropriation made for the expenses of the commission.

SEC. 13. Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because the employer believes that the employee may testify, in any investigation or proceeding relative to the enforcement of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of twenty-five dollars for each offense.

SEC. 14. The commission shall from time to time determine whether employers in each occupation investigated are obeying its decrees, and shall publish in the manner provided in section

six, the name of any employer whom it finds to be violating any such decree.

Sec. 15. Any newspaper publisher or publishers refusing or neglecting to publish the findings, decrees or notices of the commission at its regular rates for the space taken shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars for each offense.

Sec. 16. No member of the commission and no newspaper publisher, proprietor, editor or employee thereof, shall be liable to an action for damages for publishing the name of any employer in accordance with the provisions of this act, unless such publication contains some wilful misrepresentation.

Sec. 17. The commission shall make a report to the governor on or before the 1st day of November, 1914, and biennially thereafter, covering the results secured and data gathered in its work. It may also make such additional reports in the form of bulletins from time to time as in its judgment shall best serve the public interest.

[Approved, April 21, 1913.]

Oregon.

Laws 1913. Chapter 62.

AN ACT to protect the lives and health and morals of women and minor workers, and to establish an Industrial Welfare Commission and define its powers and duties, and to provide for the fixing of minimum wages and maximum hours and standard conditions of labor for such workers, and to provide penalties for violation of this act.

Whereas, The welfare of the State of Oregon requires that women and minors should be protected from conditions of labor which have a pernicious effect on their health and morals, and inadequate wages and unduly long hours and unsanitary conditions of labor have such a pernicious effect; *therefore*

Be it enacted by the People of the State of Oregon:

SECTION 1. It shall be unlawful to employ women or minors in any occupation within the State of Oregon for unreasonably long hours; and it shall be unlawful to employ women or minors in any occupation within the State of Oregon under such surroundings or conditions — sanitary or otherwise — as may be detrimental to their health or morals; and it shall be unlawful to employ women in any occupation within the State of Oregon for wages which are inadequate to supply the necessary cost of living and to maintain them in health; and it shall be unlawful to employ minors in any occupation within the State of Oregon for unreasonably low wages.

SEC. 2. There is hereby created a commission composed of three commissioners, which shall be known as the "Industrial Welfare Commission"; and the word "commission" as hereinafter used refers to and means said Industrial Welfare Commission; and the word "commissioner" as hereinafter used refers to and means a member of said Industrial Welfare Commission. Said commissioners shall be appointed by the governor. The governor shall make his first appointments hereunder within thirty days after this bill becomes a law; and of the three commissioners first appointed, one shall hold office until January 1, 1914, and another shall hold office until January 1, 1915, and the third shall hold office until January 1, 1916; and the governor shall designate the terms of each of said three first appointees. On or before the first day of January of each year, beginning with the year 1914, the governor shall appoint a commissioner to succeed the commissioner whose term expires on said first day of January; and such new appointee shall hold office for the term of three years from said first day of January. Each commissioner shall hold office until his successor is appointed and has qualified; and any vacancy that may occur in the membership of said commission shall be filled by appointment by the governor for the unexpired portion of the term in which such vacancy occurs. A majority of said commissioners shall constitute a quorum to transact business, and the act or decision of such a majority shall be deemed the act or decision of said commission; and no vacancy shall impair the right of the remaining commissioners to

exercise all the powers of said commission. The governor shall, so far as practicable, so select and appoint said commissioners — both the original appointments and all subsequent appointments— that at all times one of said commissioners shall represent the interests of the employing class and one of said commissioners shall represent the interests of the employed class and the third of said commissioners shall be one who will be fair and impartial between employers and employees and work for the best interests of the public as a whole.

Sec. 3. The first commissioners appointed under this act shall, within twenty days after their appointment, meet and organize said commission by electing one of their number as chairman thereof and by choosing a secretary of said commission; and by or before the tenth day of January of each year, beginning with the year 1914, said commissioners shall elect a chairman and choose a secretary for the ensuing year. Each such chairman and each such secretary shall hold his or her position until his or her successor is elected or chosen; but said commission may at any time remove any secretary chosen hereunder. Said secretary shall not be a commissioner; and said secretary shall perform such duties as may be prescribed and receive such salary as may be fixed by said commission. None of said commissioners shall receive any salary as such. All authorized and necessary expenses of said commission and all authorized and necessary expenditures incurred by said commission shall be audited and paid as other state expenses and expenditures are audited and paid.

Sec. 4. Said commission is hereby authorized and empowered to ascertain and declare, in the manner hereinafter provided, the following things: (a) Standards of hours of employment for women or for minors and what are unreasonably long hours for women or for minors in any occupation within the State of Oregon; (b) Standards of conditions of labor for women or for minors in any occupation within the State of Oregon and what surroundings or conditions — sanitary or otherwise — are detrimental to the health or morals of women or of minors in any such occupation; (c) Standards of minimum wages for women

in any occupation within the State of Oregon and what wages are inadequate to supply the necessary cost of living to any such women workers and to maintain them in good health; and (d) Standards of minimum wages for minors in any occupation within the State of Oregon and what wages are unreasonably low for any such minor workers.

SEC. 5. Said commission shall have full power and authority to investigate and ascertain the wages and the hours of labor and the conditions of labor of women and minors in the different occupations in which they are employed in the State of Oregon; and said commission shall have full power and authority, either through any authorized representative or any commissioner to inspect and examine any and all books and pay rolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the question of wages or hours of labor or conditions of labor of any such women workers or minor workers in any of said occupations and to require from any such employer full and true statements of the wages paid to, and the hours of labor of, and the conditions of labor of all women and minors in his employment.

SEC. 6. Every employer of women or minors shall keep a register of the names of all women and all minors employed by him, and shall, on request, permit any commissioner or any authorized representative of said commission to inspect and examine such register. The word "minor" as used in this act, refers to and means any person of either sex under the age of eighteen years; and the word "women", as used in this act, refers to and means a female person of, or over, the age of eighteen years.

SEC. 7. Said commission may hold meetings for the transaction of any of its business at such times and places as it may prescribe; and said commission may hold public hearings at such times and places as it deems fit and proper for the purpose of investigating any of the matters it is authorized to investigate by this act. At any such public hearing any person interested in the matter being investigated may appear and testify. Said com-

mission shall have power to subpoena and compel the attendance of any witness at any such public hearing or at any session of any conference called and held as hereinafter provided; and any commissioner shall have power to administer an oath to any witness who testifies at any such public hearing or at any such session of any conference. All witnesses subpoenaed by said commission shall be paid the same mileage and per diem as are allowed by law to witnesses in civil cases before the circuit court of Multnomah county.

Sec. 8. If, after investigation, said commission is of opinion that any substantial number of women workers in any occupation are working for unreasonably long hours or are working under surroundings or conditions detrimental to their health or morals or are receiving wages inadequate to supply them with the necessary cost of living and maintain them in health, said commission may call and convene a conference for the purpose and with the powers of considering and inquiring into and reporting on the subject investigated by said commission and submitted by it to such conference. Such conference shall be composed of not more than three representatives of the employers in said occupation and of an equal number of the representatives of the employees in said occupation and of not more than three disinterested persons representing the public and of one or more commissioners. Said commission shall name and appoint all the members of such conference and designate the chairman thereof. Said commission shall present to such conference all information and evidence in the possession or under the control of said commission which relates to the subject of the inquiry by such conference; and said commission shall cause to be brought before such conference any witnesses whose testimony said commission deems material to the subject of the inquiry by such conference. After completing its consideration of and inquiry into the subject submitted to it by said commission, such conference shall make and transmit to said commission a report containing the findings and recommendations of such conference on said subject. Accordingly as the subject submitted to it may require, such conference shall, in its report, make recommendations on any or all of the following questions

concerning the particular occupation under inquiry, to-wit: (a) Standards of hours of employment for women workers and what are unreasonably long hours of employment for women workers; (b) Standards of conditions of labor for women workers and what surroundings or conditions — sanitary or otherwise — are detrimental to the health or morals of women workers; (c) Standards of minimum wages for women workers and what wages are inadequate to supply the necessary cost of living to women workers and maintain them in health. In its recommendations on a question of wages such conference shall, where it appears that any substantial number of women workers in the occupation under inquiry are being paid by piece rates as distinguished from time rate recommend minimum piece rates as well as a minimum time rate and recommend such minimum piece rates as will, in its judgment, be adequate to supply the necessary cost of living to women workers of average ordinary ability and maintain them in health; and in its recommendations on a question of wages such conference shall, when it appears proper or necessary, recommend suitable minimum wages for learners and apprentices and the maximum length of time any woman worker may be kept at such wages as a learner or apprentice, which said warges shall be less than the regular minimum wages recommended for the regular women workers in the occupation under inquiry. Two-thirds of the members of any such conference shall constitute a quorum; and the decision or recommendation or report of such a two-thirds on any subject submitted shall be deemed the decision or recommendations or report of such conference.

SEC. 9. Upon receipt of any report from any conference, said commission shall consider and review the recommendations contained in said report; and said commission may approve any or all of said recommendations or disapprove any or all of said recommendations; and said commission may re-submit to the same conference, or a new conference, any subject covered by any recommendations so disapproved. If said commission approves any recommendations contained in any report from any conference, said commission shall publish notice, not less than once a

week for four successive weeks in not less than two newspapers of general circulation published in Multnomah county, that it will on a date and at a place named in said notice, hold a public meeting at which all persons in favor of or opposed to said recommendations will be given a hearing; and, after said publication of said notice and said meeting, said commission may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry the same into effect, and require all employers in the occupation affected thereby to observe and comply with such recommendations and said order. Said order shall become effective in sixty days after it is made and rendered and shall be in full force and effect on and after the sixtieth day following its making and rendition. After said order becomes effective and while it is effective, it shall be unlawful for any employer to violate or disregard any of the terms or provisions of said order or to employ any woman worker in any occupation covered by said order for longer hours or under different surroundings or conditions or at lower wages than are authorized or permitted by said order. Said commission shall, as far as is practicable, mail a copy of any such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers work. No such order of said commission shall authorize or permit the employment of any woman for more hours per day or per week than the maximum now fixed by law.

Sec. 10. For any occupation in which only a minimum time rate wage has been established, said commission may issue to a woman physically defective or crippled by age or otherwise, a special license authorizing her employment at such wage less than said minimum time rate wage as shall be fixed by said commission and stated in said license.

Sec. 11. Said commission may at any time inquire into wages or hours or conditions of labor of minors employed in any occupation in this state and determine suitable wages and hours and conditions of labor for such minors. When said commission has made such determination, it may issue an obligatory order in the

manner provided for in section 9 of this act; and, after such order is effective, it shall be unlawful for any employer in said occupation to employ a minor at less wages or for more hours or under different conditions of labor than are specified or required in or by said order; but no such order of said commission shall authorize or permit the employment of any minor for more hours per day or per week than the maximum now fixed by law or at any times or under any conditions now prohibited by law.

SEC. 12. The word "occupation" as used in this act shall be so construed as to include any and every vocation and pursuit and trade and industry. Any conference may make a separate inquiry into and report on any branch of any occupation; and said commission may make a separate order affecting any branch of any occupation. Any conference may make different recommendations and said commission may make different orders for the same occupation in different localities in the state when, in the judgment of such conference or said commission, different conditions in different localities justify such different recommendations or different orders.

SEC. 13. Said commission shall, from time to time, investigate and ascertain whether or not employers in the State of Oregon are observing and complying with its orders and take such steps as may be necessary to have prosecuted such employers as are not observing or complying with its orders.

SEC. 14. The "Commissioner of Labor Statistics and Inspector of Factories and Work Shops" and the several officers of the "Board of Inspection of Child Labor" shall, at any and all times, give to said commission any information or statistics in their respective offices that would assist said commission in carrying out this act and render such assistance to said commission as may not be inconsistent with the performance of their respective official duties.

SEC. 15. Said commission is hereby authorized and empowered to prepare and adopt and promulgate rules and regulations for the carrying into effect of the foregoing provisions of

this act, including rules and regulations for the selection of members and the mode of procedure of conferences.

Sec. 16. All questions of fact arising under the foregoing provisions of this act shall, except as otherwise herein provided, be determined by said commission, and there shall be no appeal from the decision of said commission on any such question of fact; but there shall be a right of appeal from said commission to the circuit court of the State of Oregon for Multnomah county from any ruling or holding on a question of law included in or embodied in any decision or order of said commission, and, on the same question of law, from said circuit court to the Supreme Court of the State of Oregon. In all such appeals the attorney-general shall appear for and represent said commission.

Sec. 17. Any person who violates any of the foregoing provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five ($25) dollars nor more than one hundred ($100) dollars, or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

Sec. 18. Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee may testify, in any investigation or proceedings under or relative to this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five ($25) dollars nor more than one hundred ($100) dollars.

Sec. 19. If any woman worker shall be paid by her employer less than the minimum wage to which she is entitled under or by virtue of an order of said commission, she may recover in a civil action the full amount of her said minimum wage less any amount actually paid to her by said employer, together with such attorney's fees as may be allowed by the court; and any agreement for her to work for less than such minimum wage shall be no defense to such action.

SEC. 20. Said commission shall, on or before the 1st day of January of the year 1915 and of each second year thereafter, make a succinct report to the governor and legislature of its work and the proceedings under this act during the preceding two years.

SEC. 21. There is hereby appropriated out of the general fund of the State of Oregon the sum of thirty-five hundred ($3,500) dollars per annum, or so much thereof as may be necessary per annum, to carry into effect the provisions of this act and to pay the expenses and expenditures authorized by or incurred under this act.

[Filed in the office of the Secretary of State, February 17, 1913.]

UTAH.

Laws 1913. Chapter 63.

AN ACT to establish a minimum wage for female workers, providing a penalty for violation of the provisions of this act and providing for its enforcement.

Be it enacted by the Legislature of the State of Utah:

SECTION 1. It shall be unlawful for any regular employer of female workers in the State of Utah to pay any female less than the wage in this section specified, to-wit:

For minors, under the age of eighteen years, not less than seventy-five cents per day; for adult learners and apprentices not less than ninety cents per day; *Provided,* that the learning period or apprenticeship shall not extend for more than one year; for adults who are experienced in the work they are employed to perform, not less than one dollar and twenty-five cents per day.

SEC. 2. All regular employers of female workers shall give a certificate of apprenticeship for time served to all apprentices.

SEC. 3. Any regular employer of female workers who shall pay to any female less than the wage specified in section 1 of this act shall be guilty of a misdemeanor.

Sec. 4. The Commissioner of Immigration, Labor and Statistics shall have general charge of the enforcement of this act, but violations of the same shall be prosecuted by all the city, State and county prosecuting officers in the same manner as in other cases of misdemeanor.

[Approved March 18, 1913.]

Washington.

Laws 1913. Chapter 174.

AN ACT to protect the lives, health, morals of women and minors, workers, establishing an industrial welfare commission for women and minors, prescribing its powers and duties, and providing for the fixing of minimum wages and the standard condition of labor for such workers, and providing penalties for violation of the same, and making an appropriation therefor.

Be it enacted by the Legislature of the State of Washington:

Section 1. The welfare of the State of Washington demands that women and minors be protected from conditions of labor which have a pernicious effect on their health and morals. The State of Washington, therefore, exercising herein its police and sovereign power declares that inadequate wages and unsanitary conditions of labor exert such pernicious effect.

Sec. 2. It shall be unlawful to employ women or minors in any industry or occupation within the State of Washington under conditions of labor detrimental to their health or morals; and it shall be unlawful to employ women workers in any industry within the State of Washington at wages which are not adequate for their maintenance.

Sec. 3. There is hereby created a commission to be known as the "Industrial Welfare Commission" for the State of Washington, to establish such standards of wages and conditions of labor for women and minors employed within the State of Washington, as shall be held hereunder to be reasonable and not detrimental

to health and morals, and which shall be sufficient for the decent maintenance of women.

SEC. 4. Said commission shall be composed of five persons, four of whom shall be appointed by the governor, as follows: The first appointments shall be made within thirty (30) days after this act takes effect; one for the term ending January 1st, 1914; one for the term ending January 1st, 1915; one for the term ending January 1st, 1916, and one for the term ending January 1st, 1917: *Provided, however,* That at the expiration of their respective terms, their successors shall be appointed by the governor to serve a full term of four years. No person shall be eligible to appointment as a commissioner hereunder who is, or shall have been at any time within five years prior to the date of such appointment, a member of any manufacturers or employers association or of any labor union. The governor shall have the power of removal for cause. Any vacancies shall be filled by the governor for the unexpired portion of the term in which the vacancy shall occur. The commissioner of labor of the State of Washington shall be *ex officio* member of the commission. Three members of the commission shall constitute a quorum at all regular meetings and public hearings.

SEC. 5. The members of said commission shall draw no salaries. The commission may employ a secretary, whose salary shall be paid out of the moneys hereinafter appropriated. All claims for expenses incurred by the commission shall, after approval by the commission, be passed to the state auditor for audit and payment.

SEC. 6. It shall be the duty of the commission to ascertain the wages and conditions of labor of women and minors in the various occupations, trades and industries in which said women and minors are employed in the State of Washington. To this end, said commission shall have full power and authority to call for statements and to examine, either through its members or other authorized representatives, all books, pay rolls or other records of all persons, firms and corporations employing females or minors as to any matters that would have a bearing upon the question of wages of labor or conditions of labor of said employes.

Sec. 7. Every employer of women and minors shall keep a record of the names of all women and minors employed by him, and shall on request permit the commission or any of its members or authorized representatives to inspect such record.

Sec. 8. For the purposes of this act a minor is defined to be a person of either sex under the age of eighteen (18) years.

Sec. 9. The commission shall specify times to hold public hearings, at which times employers, employes or other interested persons may appear and give testimony as to the matter under consideration. The commission shall have power to subpoena witnesses and to administer oaths. All witnesses subpoenaed by the commission shall be paid the same mileage and per diem allowed by law for witnesses before the superior court in civil cases.

Sec. 10. If, after investigation, the commission shall find that in any occupation, trade or industry, the wages paid to female employes are inadequate to supply them necessary cost of living and to maintain the workers in health, or that the conditions of labor are prejudicial to the health or morals of the workers, the commission is empowered to call a conference composed of an equal number of representatives of employers and employes in the occupation or industry in question, together with one or more disinterested persons representing the public; but the representatives of the public shall not exceed the number of representatives of either of the other parties; and a member of the commission shall be a member of such conference and chairman thereof. The commission shall make rules and regulations governing the selection of representatives and the mode of procedure of said conference, and shall exercise exclusive jurisdiction over all questions arising as to the validity of the procedure and of the recommendations of said conference. On request of the commission, it shall be the duty of the conference to recommend to the commission an estimate of the minimum wage adequate in the occupation or industry in question to supply the necessary cost of living, and maintain the workers in health, and to recommend standards of conditions of labor demanded for the health and morals of the

employes. The findings and recommendations of the conference shall be made a matter of record for the use of the commission.

SEC. 11. Upon the receipt of such recommendations from a conference, the commission shall review the same and may approve any or all of such recommendations, or it may disapprove any or all of them and re-commit the subject or the recommendations disapproved of to the same or a new conference. After such approval of the recommendations of a conference the commission shall issue an obligatory order to be effective in sixty (60) days from the date of said order, or if the commission shall find that unusual conditions necessitate a longer period, then it shall fix a later date, specifying the minimum wage for women in the occupation affected, and the standard conditions of labor for said women; and after such order is effective, it shall be unlawful for any employer in said occupation to employ women over eighteen (18) years of age for less than the rate of wages, or under conditions of labor prohibited for women in the said occupation. The commission shall send by mail, so far as practicable, to each employer in the occupation in question a copy of the order, and each employer shall be required to post a copy of said order in each room in which women affected by the order are employed. When such commission shall specify a minimum wage hereunder the same shall not be changed for one year from the date when such minimum wage is so fixed.

SEC. 12. Whenever wages or standard conditions of labor have been made mandatory in any occupation, upon petition of either employers or employes, the commission may at its discretion re-open the question and re-convene the former conference or call a new one, and any recommendations made by such conference shall be dealt with in the same manner as the original recommendations of a conference.

SEC. 13. For any occupation in which a minimum rate has been established, the commission through its secretary may issue to a woman physically defective or crippled by age or otherwise, or to any apprentice in such class of employment or occupation as usually requires to be learned by apprentices, a special license

authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall fix the minimum wage for said person, such special license to be issued only in such cases as the commission may decide the same is applied for in good faith and that such license for apprentices shall be in force for such length of time as the said commission shall decide and determine is proper.

Sec. 14. The commission may at any time inquire into wages, and conditions of labor of minors, employed in any occupation in the state and may determine wages and conditions of labor suitable for such minors. When the commission has made such determination in the cases of minors it may proceed to issue an obligatory order in the manner provided for in section 11 of this act, and after such order is effective it shall be unlawful for any employer in said occupation to employ a minor for less wages than is specified for minors in said occupation, or under conditions of labor prohibited by the commission for said minors in its order.

Sec. 15. Upon the request of the commission the commissioner of labor of the State of Washington shall furnish to the commission such statistics as the commission may require.

Sec. 16. Any employer who discharges, or in any other manner discriminates against any employe because such employe has testified or is about to testify, or because such employer believes that said employe may testify in any investigation or proceedings relative to the enforcement of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of from twenty-five dollars ($25.00) to one hundred dollars ($100.00) for each such misdemeanor.

Sec. 17. Any person employing a woman or minor for whom a minimum wage or standard conditions of labor have been specified, at less than said minimum wage, or under conditions of labor prohibited by the order of the commission; or violating any other of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00).

SEC. 17½. Any worker or the parent or guardian of any minor to whom this act applies may complain to the commission that the wages paid to the workers are less than the minimum rate and the commission shall investigate the same and proceed under this act in behalf of the worker.

SEC. 18. If any employe shall receive less than the legal minimum wage, except as hereinbefore provided in section 13, said employe shall be entitled to recover in a civil action the full amount of the legal minimum wage as herein provided for, together with costs and attorney's fees to be fixed by the court, notwithstanding any agreement to work for such lesser wage. In such action, however, the employer shall be credited with any wages which have been paid upon account.

SEC. 19. All questions of fact arising under this act shall be determined by the commission and there shall be no appeal from its decision upon said question of fact. Either employer or employe shall have the right of appeal to the superior court on questions of law.

SEC. 20. The commission shall biennially make a report to the governor and state legislature of its investigations and proceedings.

SEC. 21. There is hereby appropriated annually out of any moneys of the state treasury not otherwise appropriated, the sum of five thousand dollars ($5,000.00), or as much thereof as may be necessary to meet the expenses of the commission.

[Approved by the Governor March 24, 1913.]

Wisconsin.

Laws 1913. Chapter 712.

AN ACT to create sections 1729s—1 to 1729s—12, inclusive, of the statutes, relating to the establishment of a living-wage for women and minors, and making an appropriation, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1729s—1. The following terms as used in sections 1729s — 1 to 1729s — 12, inclusive, shall be construed as follows:

(1) The term "employer" shall mean and include every person, firm or corporation, agent, manager, representative, contractor, subcontractor or principal, or other person having control or direction of any person employed at any labor or responsible directly or indirectly for the wages of another.

(2) The term "employe" shall mean and include every person who is in receipt of or is entitled to any compensation for labor performed for any employer.

(3) The term "wage" and the term "wages" shall each mean any compensation for labor measured by time, piece or otherwise.

(4) The term "welfare" shall mean and include reasonable comfort, reasonable physical well-being, decency, and moral well-being.

(5) The term "living-wage" shall mean compensation for labor paid, whether by time, piece-work or otherwise, sufficient to enable the employe receiving it to maintain himself or herself under conditions consistent with his or her welfare.

Sec. 1729s—2. Every wage paid or agreed to be paid by any employer to any female or minor employe, except as otherwise provided in section 1729s—7, shall be not less than a living-wage.

Sec. 1729s—3. Any employer paying, offering to pay, or agreeing to pay to any female or minor employe a wage lower or

less in value than a living-wage shall be deemed guilty of a violation of sections 1729s—1 to 1729s—12, inclusive, of the statutes.

SEC. 1729s—4. It shall be the duty of the industrial commission and it shall have power, jurisdiction and authority to investigate, ascertain, determine and fix such reasonable classifications, and to issue general or special orders, determining the living wage, and to carry out the purposes of sections 1729s—1 to 1729s—12, inclusive, of the statutes. Such investigations, classifications and orders, and any action, proceeding, or suit to set aside, vacate or amend any such order of said commission, or to enjoin the enforcement thereof, shall be made pursuant to the proceeding in sections 2394—41 to 2394—70, inclusive, of the statutes, which are hereby made a part hereof, so far as not inconsistent with the provisions of sections 1729s—1 to 1729s—12, inclusive, of the statutes; and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sections 2394—41 to 2394—70, inclusive, of the statutes, and the penalties therein shall apply to and be imposed for any violation of sections 1729s—1 to 1729s—12, inclusive, of the statutes.

SEC. 1729s—5. After July 1, 1913, the industrial commission may, upon its own initiative, and after July 1, 1914, the industrial commission shall, within twenty days after the filing of a verified complaint of any person setting forth that the wages paid to any female or minor employe in any occupation are not sufficient to enable such employe to maintain himself or herself under conditions consistent with his or her welfare, investigate and determine whether there is reasonable cause to believe that the wage paid to any female or minor employe is not a living wage.

SEC. 1729s—6. If, upon investigation, the commission finds that there is reasonable cause to believe that the wages paid to any female or minor employe are not a living-wage, it shall appoint an advisory wage board, selected so as fairly to represent employers, employes and the public, to assist in its investigations and determinations. The living-wage so determined upon shall be the living-wage for all female or minor employes, within the same class as established by the classification of the commission.

Sec. 1729s—7. The industrial commission shall make rules and regulations whereby any female or minor unable to earn the living-wage theretofore determined upon, shall be granted a license to work for a wage which shall be commensurate with his or her ability. Each license so granted shall establish a wage for the licensee, and no licensee shall be employed at a wage less than the rate so established.

Sec. 1729s—8. 1. All minors working in an occupation for which a living-wage has been established for minors, and who shall have no trade, shall, if employed in an occupation which is a trade industry, be indentured under the provisions of sections 2377 to 2386, inclusive, of the statutes.

2. A "trade" or a "trade industry" within the meaning of this act shall be a trade or an industry involving physical labor and characterized by mechanical skill and training such as render a period of instruction reasonably necessary. The industrial commission shall investigate, determine and declare what occupations and industries are included within the phrase a "trade" or a "trade industry."

3. All minors working in an occupation for which a living-wage has been established for minors but which is not a trade industry, who have no trade, shall be subject to the same provisions as minors between the ages of fourteen and sixteen as provided in section 1728c—1 of the statutes.

4. The industrial commission may make exceptions to the operation of subsections 1 and 2 of this section where conditions make their application unreasonable.

Sec. 1729s—9. Every employer employing three or more females or minors shall register with the industrial commission, on blanks to be supplied by the commission. In filling out the blank he shall state separately the number of females and the number of minors employed by him, their age, sex, wages and the nature of the work at which they are employed, and shall give such other information relative to the work performed and the wages received as the industrial commission requires. Each employer shall also keep a record of the names and addresses of all

women and minors employed by him, the hours of employment and wages of each, and such other records as the industrial commission requires.

SEC. 1729s—10. Any employer who discharges or threatens to discharge, or in any way discriminates, or threatens to discriminate against any employe because the employe has testified or is about to testify, or because the employer believes that the employe may testify, in any investigation or proceeding relative to the enforcement of this act, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of twenty-five dollars for each offense.

SEC. 1729s—11. Each day during which any employer shall employ a person for whom a living-wage has been fixed at a wage less than the living-wage fixed shall constitute a separate and distinct violation of sections 1729s—1 to 1729s—12, inclusive, of the statutes.

SEC. 1729s—12. Any person may register with the industrial commission a complaint that the wages paid to an employe for whom a living-wage has been established, are less than that rate, and the industrial commission shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less than the living-wage.

[Approved July 31, 1914.]

THE BRITISH MINIMUM WAGE LAWS.

TRADE BOARDS ACT.

Chapter 22.

AN ACT to provide for the establishment of Trade Boards for certain Trades. [20th October, 1909.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Establishment of Trade Boards for Trades to which the Act applies.

1.—(1) This Act shall apply to the trades specified in the schedule to this Act and to any other trades to which it has been applied by Provisional Order of the Board of Trade made under this section.

(2) The Board of Trade may make a Provisional Order applying this Act to any specified trade to which it does not at the time apply if they are satisfied that the rate of wages prevailing in any branch of the trade is exceptionally low, as compared with that in other employments, and that the other circumstances of the trade are such as to render the application of this Act to the trade expedient.

(3) If at any time the Board of Trade consider that the conditions of employment in any trade to which this Act applies have been so altered as to render the application of this Act to the trade unnecessary, they may make a Provisional Order that this Act shall cease to apply to that trade.

(4) The Board of Trade may submit to Parliament for confirmation any Provisional Order made by them in pursuance of this section, but no such Order shall have effect unless and until it is confirmed by Parliament.

(5) If, while a Bill confirming any such Order is pending in either House of Parliament, a petition is presented against any

Order comprised therein, the Bill, so far as it relates to that Order, may be referred to a select committee, or, if the two Houses of Parliament think fit so to order, to a joint committee of those Houses, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills.

(6) Any Act confirming a Provisional Order made in pursuance of this section may be repealed, altered, or amended by any subsequent Provisional Order made by the Board of Trade and confirmed by Parliament.

2.—(1) The Board of Trade shall, if practicable, establish one or more Trade Boards constituted in accordance with regulations made under this Act for any trade to which this Act applies or for any branch of work in the trade.

Where a Trade Board is established under this Act for any trade or branch of work in a trade which is carried on to any substantial extent in Ireland, a separate Trade Board shall be established for that trade or branch of work in a trade in Ireland.

(2) Where a Trade Board has been established for any branch of work in a trade, any reference in this Act to the trade for which the Board is established shall be construed as a reference to the branch of work in the trade for which the Board has been established.

3. A Trade Board for any trade shall consider, as occasion requires, any matter referred to them by a Secretary of State, the Board of Trade, or any other Government department, with reference to the industrial conditions of the trade, and shall make a report upon the matter to the department by whom the question has been referred.

Minimum Rates of Wages.

4.—(1) Trade Boards shall, subject to the provisions of this section, fix minimum rates of wages for timework for their trades (in this Act referred to as minimum time-rates), and may also fix general minimum rates of wages for piecework for their trades (in this Act referred to as general minimum piece-rates), and those rates of wages (whether time- or piece-rates) may be fixed

so as to apply universally to the trade, or so as to apply to any special process in the work of the trade or to any special class of workers in the trade, or to any special area.

If a Trade Board report to the Board of Trade that it is impracticable in any case to fix a minimum time-rate in accordance with this section, the Board of Trade may so far as respects that case relieve the Trade Board of their duty.

(2) Before fixing any minimum time-rate or general minimum piece-rate, the Trade Board shall give notice of the rate which they propose to fix and consider any objections to the rate which may be lodged with them within three months.

(3) The Trade Board shall give notice of any minimum time-rate or general minimum piece-rate fixed by them.

(4) A Trade Board may, if they think it expedient, cancel or vary any minimum time-rate or general minimum piece-rate fixed under this Act, and shall reconsider any such minimum rate if the Board of Trade direct them to do so, whether an application is made for the purpose or not:

Provided that the provisions of this section as to notice shall apply where it is proposed to cancel or vary the minimum rate fixed under the foregoing provisions in the same manner as they apply where it is proposed to fix a minimum rate.

(5) A Trade Board shall on the application of any employer fix a special minimum piece-rate to apply as respects the person employed by him in cases to which a minimum time-rate but no general minimum piece-rate is applicable, and may as they think fit cancel or vary any such rate either on the application of the employer or after notice to the employer, such notice to be given not less than one month before cancellation or variation of any such rate.

5.—(1) Until a minimum time-rate or general minimum piece-rate fixed by a Trade Board has been made obligatory by order of the Board of Trade under this section, the operation of the rate shall be limited as in this Act provided.

(2) Upon the expiration of six months from the date on which a Trade Board have given notice of any minimum time-rate or general minimum piece-rate fixed by them, the Board of Trade shall make an order (in this Act referred to as an obligatory order) making that minimum rate obligatory in cases in which it is applicable on all persons employing labour and on all persons employed, unless they are of opinion that the circumstances are such as to make it premature or otherwise undesirable to make an obligatory order, and in that case they shall make an order suspending the obligatory operation of the rate (in this Act referred to as an order of suspension).

(3) Where an order of suspension has been made as respects any rate, the Trade Board may, at any time after the expiration of six months from the date of the order, apply to the Board of Trade for an obligatory order as respects that rate; and on any such application the Board of Trade shall make an obligatory order as respects that rate, unless they are of opinion that a further order of suspension is desirable, and, in that case, they shall make such a further order, and the provisions of this section which are applicable to the first order of suspension shall apply to any such further order.

An order of suspension as respects any rate shall have effect until an obligatory order is made by the Board of Trade under this section.

(4) The Board of Trade may, if they think fit, make an order to apply generally as respects any rates which may be fixed by any Trade Board constituted, or about to be constituted, for any trade to which this Act applies, and while the order is in force any minimum time-rate or general minimum piece-rate shall, after the lapse of six months from the date on which the Trade Board have given notice of the fixing of the rate, be obligatory in the same manner as if the Board of Trade had made an order making the rate obligatory under this section, unless in any particular case the Board of Trade, on the application of any person interested, direct to the contrary.

The Board of Trade may revoke any such general order at any time after giving three months' notice to the Trade Board of their intention to revoke it.

6.—(1) Where any minimum rate of wages fixed by a Trade Board has been made obligatory by order of the Board of Trade under this Act, an employer shall, in cases to which the minimum rate is applicable, pay wages to the person employed at not less than the minimum rate clear of all deductions, and if he fails to do so shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds and to a fine not exceeding five pounds for each day on which the offence is continued after conviction therefor.

(2) On the conviction of an employer under this section for failing to pay wages at not less than the minimum rate to a person employed, the court may by the conviction adjudge the employer convicted to pay, in addition to any fine, such sum as appears to the court to be due to the person employed on account of wages, the wages being calculated on the basis of the minimum rate, but the power to order the payment of wages under this provision shall not be in derogation of any right of the person employed to recover wages by any other proceeding.

(3) If a Trade Board are satisfied that any worker employed, or desiring to be employed, on time work in any branch of a trade to which a minimum time-rate fixed by the Trade Board is applicable is affected by any infirmity or physical injury which renders him incapable of earning that minimum time-rate, and are of opinion that the case cannot suitably be met by employing the worker on piece-work, the Trade Board may, if they think fit, grant to the worker, subject to such conditions, if any, as they prescribe, a permit exempting the employment of the worker from the provisions of this Act rendering the minimum time-rate obligatory, and, while the permit is in force, an employer shall not be liable to any penalty for paying wages to the worker at a rate less than the minimum time-rate so long as any conditions prescribed by the Trade Board on the grant of the permit are complied with.

(4) On any prosecution of an employer under this section, it shall lie on the employer to prove by the production of proper wages sheets or other records of wages or otherwise that he has not paid, or agreed to pay, wages at less than the minimum rate.

(5) Any agreement for the payment of wages in contravention of this provision shall be void.

7.—(1) Where any minimum rate of wages has been fixed by a Trade Board, but is not for the time being obligatory under an order of the Board of Trade made in pursuance of this Act, the minimum rate shall, unless the Board of Trade direct to the contrary in any case in which they have directed the Trade Board to reconsider the rate, have a limited operation as follows:

(*a*) In all cases to which the minimum rate is applicable an employer shall, in the absence of a written agreement to the contrary, pay to the person employed wages at not less than the minimum rate, and, in the absence of any such agreement, the person employed may recover wages at such a rate from the employer;

(*b*) Any employer may give written notice to the Trade Board by whom the minimum rate has been fixed that he is willing that that rate should be obligatory on him, and in that case he shall be under the same obligation to pay wages to the person employed at not less than the minimum rate, and be liable to the same fine for not doing so, as he would be if an order of the Board of Trade were in force making the rate obligatory; and

(*c*) No contract involving employment to which the minimum rate is applicable shall be given by a Government department or local authority to any employer unless he has given notice to the Trade Board in accordance with the foregoing provision:

Provided that in case of any public emergency the Board of Trade may by order, to the extent and during the period named in the order, suspend the operation of this provision as respects contracts for any such work being done or to be done on behalf of the Crown as is specified in the order.

(2) A Trade Board shall keep a register of any notices given under this section:

The register shall be open to public inspection without payment of any fee, and shall be evidence of the matters stated therein:

Any copy purporting to be certified by the secretary of the Trade Board or any officer of the Trade Board authorized for the

purpose to be a true copy of any entry in the register shall be admissible in evidence without further proof.

8. An employer shall, in cases where persons are employed on piece-work and a minimum time-rate but no general minimum piece-rate has been fixed, be deemed to pay wages at less than the minimum rate—

(*a*) in cases where a special minimum piece-rate has been fixed under the provisions of this Act for persons employed by the employer, if the rate of wages paid is less than that special minimum piece-rate; and

(*b*) in cases where a special minimum piece-rate has not been so fixed, unless he shows that the piece-rate of wages paid would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the minimum time-rate.

9. Any shopkeeper, dealer, or trader, who by way of trade makes any arrangement express or implied with any worker in pursuance of which the worker performs any work for which a minimum rate of wages has been fixed under this Act, shall be deemed for the purposes of this Act to be the employer of the worker, and the net remuneration obtainable by the worker in respect of the work after allowing for his necessary expenditure in connection with the work shall be deemed to be wages.

10.—(1) Any worker or any person authorized by a worker may complain to the Trade Board that the wages paid to the worker by any employer in any case to which any minimum rate fixed by the Trade Board is applicable are at a rate less than the minimum rate, and the Trade Board shall consider the matter and may, if they think fit, take any proceedings under this Act on behalf of the worker.

(2) Before taking any proceedings under this Act on behalf of the worker, a Trade Board may, and on the first occasion on which proceedings are contemplated by the Trade Board against an employer they shall, take reasonable steps to bring the case to the notice of the employer, with a view to the settlement of the case without recourse to proceedings.

Constitution, Proceedings, &c. of Trade Boards.

11.—(1) The Board of Trade may make regulations with respect to the constitution of Trade Boards which shall consist of members representing employers and members representing workers (in this Act referred to as representative members) in equal proportions and of the appointed members. Any such regulations may be made so as to apply generally to the constitution of all Trade Boards, or specially to the constitution of any particular Trade Board or any particular class of Trade Boards.

(2) Women shall be eligible as members of Trade Boards as well as men.

(3) The representative members shall be elected or nominated, or partly elected and partly nominated as may be provided by the regulations, and in framing the regulations the representation of home workers on Trade Boards shall be provided for in all trades in which a considerable proportion of home workers are engaged.

(4) The chairman of a Trade Board shall be such one of the members as the Board of Trade may appoint, and the secretary of the Trade Board shall be appointed by the Board of Trade.

(5) The proceedings of a Trade Board shall not be invalidated by any vacancy in their number, or by any defect in the appointment, election, or nomination of any member.

(6) In order to constitute a meeting of a Trade Board, at least one-third of the whole number of the representative members and at least one appointed member must be present.

(7) The Board of Trade may make regulations with respect to the proceedings and meetings of Trade Boards, including the method of voting; but subject to the provisions of this Act and to any regulations so made Trade Boards may regulate their proceedings in such manner as they think fit.

12.—(1) A Trade Board may establish district trade committees consisting partly of members of the Trade Board and partly of persons not being members of the Trade Board but

representing employers or workers engaged in the trade and constituted in accordance with regulations made for the purpose by the Board of Trade and acting for such area as the Trade Board may determine.

(2) Provision shall be made by the regulations for at least one appointed member acting as a member of each district trade committee, and for the equal representation of local employers and local workers on the committee, and for the representation of homeworkers thereon in the case of any trade in which a considerable proportion of homeworkers are engaged in the district, and also for the appointment of a standing sub-committee to consider applications for special minimum piece-rates and complaints made to the Trade Board under this Act, and for the reference of any applications or complaints to that sub-committee.

(3) A Trade Board may refer to a district trade committee for their report and recommendations any matter which they think it expedient so to refer, and may also, if they think fit, delegate to a district trade committee any of their powers and duties under this Act, other than their power and duty to fix a minimum time-rate or general minimum piece-rate.

(4) Where a district trade committee has been established for any area, it shall be the duty of the committee to recommend to the Trade Board minimum time-rates and, so far as they think fit, general minimum piece-rates, applicable to the trade in that area, and no such minimum rate of wages fixed under this Act and no variation or cancellation of such a rate shall have effect within that area unless either the rate or the variation or cancellation thereof, as the case may be, has been recommended by the district trade committee, or an opportunity has been given to the committee to report thereon to the Trade Board, and the Trade Board have considered the report (if any) made by the committee.

13.—(1) The Board of Trade may appoint such number of persons (including women) as they think fit to be appointed members of Trade Boards.

(2) Such of the appointed members of Trade Boards shall act on each Trade Board or district trade committee as may be

directed by the Board of Trade, and, in the case of a Trade Board for a trade in which women are largely employed, at least one of the appointed members acting shall be a woman:

Provided that the number of appointed members acting on the same Trade Board, or the same district trade committee, at the same time, shall be less than half the total number of members representing employers and members representing workers.

Appointment of Officers and other Provisions for enforcing Act.

14.—(1) The Board of Trade may appoint such officers as they think necessary for the purpose of investigating any complaints and otherwise securing the proper observance of this Act, and any officers so appointed shall act under the directions of the Board of Trade, or, if the Board of Trade so determine, under the directions of any Trade Board.

(2) The Board of Trade may also, in lieu of or in addition to appointing any officers under the provisions of this section, if they think fit, arrange with any other Government Department for assistance being given in carrying this Act into effect, either generally or in any special cases, by officers of that Department whose duties bring them into relation with any trade to which this Act applies.

15.—(1) Any officer appointed by the Board of Trade under this Act, and any officer of any Government Department for the time being assisting in carrying this Act into effect, shall have power for the performance of his duties —

(*a*) to require the production of wages sheets or other record of wages by an employer, and records of payments made to outworkers by persons giving out work, and to inspect and examine the same and copy any material part thereof;

(*b*) to require any person giving out work and any outworker to give any information which it is in his power to give with respect to the names and addresses of the persons to whom the work is given out or from whom the work is received, as the case may be, and with respect to the payments to be made for the work;

(*c*) at all reasonable times to enter any factory or workshop and any place used for giving out work to outworkers; and

(*d*) to inspect and copy any material part of any list of outworkers kept by an employer or person giving out work to outworkers.

(2) If any person fails to furnish the means required by an officer as necessary for any entry or inspection or the exercise of his powers under this section, or if any person hinders or molests any officer in the exercise of the powers given by this section, or refuses to produce any document or give any information which any officer requires him to produce or give under the powers given by this section, that person shall be liable on summary conviction in respect of each offence to a fine not exceeding five pounds; and, if any person produces any wages sheet, or record of wages, or record of payments, or any list of outworkers to any officer acting in the exercise of the powers given by this section, knowing the same to be false, or furnishes any information to any such officer knowing the same to be false, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months, with or without hard labour.

16. Every officer appointed by the Board of Trade under this Act, and every officer of any Government Department for the time being assisting in carrying this Act into effect, shall be furnished by the Board or Department with a certificate of his appointment, and when acting under any or exercising any power conferred upon him by this Act shall, if so required, produce the said certificate to any person or persons affected.

17.—(1) Any officer appointed by the Board of Trade under this Act, and any officer of any Government Department for the time being assisting in carrying this Act into effect, shall have power in pursuance of any special or general directions of the Board of Trade to take proceedings under this Act, and a Trade Board may also take any such proceedings in the name of any officer appointed by the Board of Trade for the time being acting under the directions of the Trade Board in pursuance of this Act,

or in the name of their secretary or any of their officers authorised by them.

(2) Any officer appointed by the Board of Trade under this Act, or any officer of any Government Department for the time being assisting in carrying this Act into effect, and the secretary of a Trade Board, or any officer of a Trade Board authorised for the purpose, may, although not a counsel or solicitor or law agent, prosecute or conduct before a court of summary jurisdiction any proceedings arising under this Act.

Supplemental.

18.—(1) The Board of Trade shall make regulations as to the notice to be given of any matter under this Act, with a view to bringing the matter of which notice is to be given so far as practicable to the knowledge of persons affected.

(2) Every occupier of a factory or workshop, or of any place used for giving out work to outworkers, shall, in manner directed by regulations under this section, fix any notices in his factory or workshop or the place used for giving out work to outworkers which he may be required to fix by the regulations, and shall give notice in any other manner, if required by the regulations, to the persons employed by him of any matter of which he is required to give notice under the regulations:

If the occupier of a factory or workshop, or of any place used for giving out work to outworkers, fails to comply with this provision, he shall be liable on summary conviction in respect of each offence to a fine not exceeding forty shillings.

19. Regulations made under this Act shall be laid as soon as possible before both Houses of Parliament, and, if either House within the next forty days after the regulations have been laid before that House resolve that all or any of the regulations ought to be annulled, the regulations shall, after the date of the resolution, be of no effect, without prejudice to the validity of anything done in the meantime thereunder or to the making of any new regulations. If one or more of a set of regulations are annulled, the Board of Trade may, if they think fit, withdraw the whole set.

20.—(1) His Majesty may, by Order in Council, direct that any powers to be exercised or duties to be performed by the Board of Trade under this Act shall be exercised or performed generally, or in any special cases or class of cases, by a Secretary of State, and, while any such Order is in force, this Act shall apply as if, so far as is necessary to give effect to the Order, a Secretary of State were substituted for the Board of Trade.

(2) Any Order in Council under this section may be varied or revoked by any subsequent Order in Council.

21. There shall be paid out of moneys provided by Parliament —

(1) Any expenses, up to an amount sanctioned by the Treasury, which may be incurred with the authority or sanction of the Board of Trade by Trade Boards or their committees in carrying into effect this Act; and

(2) To appointed members and secretaries of Trade Boards and to officers appointed by the Board of Trade under this Act such remuneration and expenses as may be sanctioned by the Treasury; and

(3) To representative members of Trade Boards and members (other than appointed members) of district trade committees any expenses (including compensation for loss of time), up to an amount sanctioned by the Treasury, which may be incurred by them in the performance of their duties as such members; and

(4) Any expenses, up to an amount sanctioned by the Treasury, which may be incurred by the Board of Trade in making inquiries, or procuring information, or taking any preliminary steps with respect to the application of this Act to any trade to which the Act does not apply, including the expenses of obtaining a Provisional Order, or promoting any Bill to confirm any Provisional Order made under, or in pursuance of, the provisions of this Act.

22.—(1) This Act may be cited as the Trade Boards Act, 1909.

(2) This Act shall come into operation on the first day of January nineteen hundred and ten.

COAL MINES (MINIMUM WAGE) ACT.

AN ACT to provide a Minimum Wage in the case of Workmen employed underground in Coal Mines (including Mines of Stratified Ironstone), and for purposes incidental thereto. [29th March 1912.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—(1) It shall be an implied term of every contract for the employment of a workman underground in a coal mine that the employer shall pay to that workman wages at not less than the minimum rate settled under this Act and applicable to that workman, unless it is certified in manner provided by the district rules that the workman is a person excluded under the district rules from the operation of this provision, or that the workman has forfeited the right to wages at the minimum rate by reason of his failure to comply with the conditions with respect to the regularity or efficiency of the work to be performed by workmen laid down by those rules; and any agreement for the payment of wages in so far as it is in contravention of this provision shall be void.

For the purposes of this Act, the expression "district rules" means rules made under the powers given by this Act by the joint district board.

(2) The district rules shall lay down conditions, as respects the district to which they apply, with respect to the exclusion from the right to wages at the minimum rate of aged workmen and infirm workmen (including workmen partially disabled by illness or accident), and shall lay down conditions with respect to the regularity and efficiency of the work to be performed by the workmen, and with respect to the time for which a workman is to be paid in the event of any interruption of work due to an emergency, and shall provide that a workman shall forfeit the right to wages at the minimum rate if he does not comply with conditions as to regularity and efficiency of work, except in cases

where the failure to comply with the conditions is due to some cause over which he has no control.

The district rules shall also make provision with respect to the persons by whom and the mode in which any question, whether any workman in the district is a workman to whom the minimum rate of wages is applicable, or whether a workman has complied with the conditions laid down by the rules, or whether a workman who has not complied with the conditions laid down by the rules has forfeited his right to wages at the minimum rate, is to be decided, and for a certificate being given of any such decision for the purposes of this section.

(3) The provisions of this section as to payment of wages at a minimum rate shall operate as from the date of the passing of this Act, although a minimum rate of wages may not have been settled, and any sum which would have been payable under this section to a workman on account of wages if a minimum rate had been settled may be recovered by the workman from his employer at any time after the rate is settled.

2.—(1) Minimum rates of wages and district rules for the purposes of this Act shall be settled separately for each of the districts named in the Schedule to this Act by a body of persons recognized by the Board of Trade as the joint district board for that district.

Nothing in this Act shall prejudice the operation of any agreement entered into or custom existing before the passing of this Act for the payment of wages at a rate higher than the minimum rate settled under this Act, and in settling any minimum rate of wages the joint district board shall have regard to the average daily rate of wages paid to the workmen of the class for which the minimum rate is to be settled.

(2) The Board of Trade may recognize as a joint district board for any district any body of persons, whether existing at the time of the passing of this Act or constituted for the purposes of this Act, which in the opinion of the Board of Trade fairly and adequately represents the workmen in coal mines in the district and the employers of those workmen, and the chairman of

which is an independent person appointed by agreement between the persons representing the workmen and employers respectively on the body, or in default of agreement by the Board of Trade.

The Board of Trade may, as a condition of recognizing as a joint district board for the purposes of this act any body the rules of which do not provide for securing equality of voting power between the members representing workmen and the members representing employers and for giving the chairman a casting vote in case of difference between the two classes of members, require that body to adopt any such rule as the Board of Trade may approve for the purpose, and any rule so adopted shall be deemed to be a rule governing the procedure of the body for the purposes of this Act.

(3) The joint district board of a district shall settle general minimum rates of wages and general district rules for their district (in this Act referred to as general district minimum rates and general district rules), and the general district minimum rates and general district rules shall be the rates and rules applicable throughout the whole of the district to all coal mines in the district and to all workmen or classes of workmen employed underground in those mines, other than mines to which and workmen to whom a special minimum rate or special district rules settled under the provisions of this Act is or are applicable, or mines to which and workmen to whom the joint district board declare that the general district rates and general district rules shall not be applicable pending the decision of the question whether a special district rate or special district rules ought to be settled in their case.

(4) The joint district board of any district may, if it is shown to them that any general district minimum rate or general district rules are not applicable in the case of any group or class of coal mines within the district, owing to the special circumstances of the group or class of mines, settle a special minimum rate (either higher or lower than the general district rate) or special district rules (either more or less stringent than the general district rules) for that group or class of mines, and any such special rate or special rules shall be the rate or rules applicable

to that group or class of mines instead of the general district minimum rate or general district rules.

(5) For the purpose of settling minimum rates of wage, the joint district board may subdivide their district into two parts or, if the members of the joint district board representing the workmen and the members representing the employers agree, into more than two parts, and in that case each part of the district as so subdivided shall, for the purpose of the minimum rate, be treated as the district.

(6) For the purpose of settling district rules, any joint district boards may agree that their districts shall be treated as one district, and in that case those districts shall be treated for that purpose as one combined district, with a combined district committee appointed as may be agreed between the joint district boards concerned, and the chairman of such one of the districts forming the combination as may be agreed upon between the joint district boards concerned, or, in default of agreement, determined by the Board of Trade, shall be the chairman of the combined district committee.

3.—(1) Any minimum rate of wages or district rules settled under this Act shall remain in force until varied in accordance with the provisions of this Act.

(2) The joint district board of a district shall have power to vary any minimum rate of wages or district rules for the time being in force in their district—

(*a*) At any time by agreement between the members of the joint district board representing the workmen and the members representing the employers; and

(*b*) After one year has elapsed since the rate or rules were last settled or varied, on an application made (with three months' notice given after the expiration of the year) by any workmen or employers, which appears to the joint district board to represent any considerable body of opinion amongst either the workmen or the employers concerned;

and the provisions of this Act as to the settlement of minimum rates of wages or district rules shall, so far as applicable, apply to the variation of any such rate or rules.

4.—(1) If within two weeks after the passing of this Act a joint district board has not been recognized by the Board of Trade for any district, or if at any time after the passing of this Act any occasion arises for the exercise or performance in any district of any power or duty under this Act by the joint district board, and there is no joint district board for the district, the Board of Trade may, either forthwith or after such interval as may seem to them necessary or expedient, appoint such person as they think fit to act in the place of the joint district board, and, while that appointment continues, this Act shall be construed, so far as respects that district, as if the person so appointed were substituted for the joint district board.

The Board of Trade in any such case where it appears to them that the necessity for the exercise of their powers under this provision arises from the failure of the employers to appoint members to represent employers on a board when the workmen are willing to appoint members to represent workmen, or from the failure of the workmen to appoint members to represent workmen on a board when the employers are willing to appoint members to represent employers, may, if they think fit, instead of appointing a person to act in place of the joint district board, appoint such persons as they think fit to represent the employers or the workmen, as the case may be, who have failed to appoint members to represent them; and in that case the members so appointed by the Board of Trade shall be deemed to be members of the board representing employers or workmen as the case requires.

(2) If the joint district board within three weeks after the time at which it has been recognized under this Act for any district fail to settle the first minimum rates of wages and district rules in that district, or if the joint district board, within three weeks after the expiration of a notice for an application under this Act to vary any minimum rate of wages or district rules fail to deal with the application, the chairman of the joint dis-

trict board shall settle the rates or rules or deal with the application, as the case may be, in place of the joint district board, and any minimum rate of wages or district rules settled by him shall have the same effect for the purposes of this Act as if they had been settled by the joint district board:

Provided that, if the members of the joint district board representing the workmen and the members representing the employers agree, or if the chairman of the joint district board directs, that a specified period longer than three weeks shall for the purposes of this subsection be substituted for three weeks, this subsection shall have effect as if that specified period were therein substituted for three weeks.

5.—(1) In this Act—

The expression "coal mine" includes a mine of stratified ironstone;

The expression "workman" means any person employed in a coal mine below ground other than —

(*a*) A person so employed occasionally or casually only; or

(*b*) A person so employed solely in surveying or measuring; or

(*c*) A person so employed as mechanic; or

(*d*) The manager or any under-manager of the mine; or

(*e*) Any other official of the mine whose position in the mine is recognized by the joint district board as being a position different from that of a workman.

(2) If it is thought fit by any persons when appointing a chairman for the purposes of this Act, or by the Board of Trade when so appointing a chairman, the office of chairman may be committed to three persons, and in that case those three persons acting by a majority shall be deemed to be the chairman for the purposes of this Act.

6.—(1) This Act may be cited as the Coal Mines (Minimum Wage) Act, 1912.

(2) This Act shall continue in force for three years from the date of the passing thereof and no longer, unless Parliament shall otherwise determine.

THE VICTORIAN SPECIAL BOARDS ACT.

SPECIAL BOARDS.

(1) *Appointment of Boards.*

133. (1) (Act 2386.) Every Special Board purporting to have been appointed prior to the commencement of this Act shall be deemed to have been validly appointed.

(2) Where a resolution is or has been passed by both Houses of Parliament declaring that it is expedient to appoint any Special Board to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed anywhere in Victoria (whether in a factory or not) in any process trade business or occupation or any group thereof specified in the resolution or where any Special Board has prior to the commencement of this Act been appointed for any process trade business or occupation or any group thereof the Governor in Council may if he thinks fit from time to time —

(*a*) appoint one or more Special Boards for any one of such processes trades businesses or occupations or for any branch or branches thereof or for any group or groups thereof; and

(*b*) define the area or locality (including the whole or any part or parts of Victoria)* within which the Determination of each of such Special Boards shall be operative; and extend or redefine any such area or locality; and

(*c*) as between any two or more Special Boards, adjust the powers which such Boards or any of them may lawfully exercise, and for that purpose deprive any Special Board of any of its powers and confer them upon any other Special Board.

(3) When any Special Board is deprived of any of its powers pursuant to this section any Determination thereof or of the Court of Industrial Appeals made before such deprivation under any power of which the Special Board is deprived shall continue in operation until superseded by a Determination of the Special

* Compare limitations as to certain occupations in section 9 *ante*. (In a few cases foot notes refer to sections of compiled factories law, March, 1913, not here included.)

Board upon which such power is conferred, and upon such Determination being made shall cease to have effect.

(4) Where under this section the area or locality within which the Determination of any Special Board is to be operative is extended so as to include any part or parts of Victoria outside the Metropolitan District or outside any city town or borough the Governor in Council if in any case he thinks it necessary may appoint a new Special Board to take the place of the Special Board the operation of whose Determination is so extended.

(5) Where any new Special Board is so appointed any Determination of the Board whose place it takes or of the Court of Industrial Appeals theretofore made shall within the area or locality for which the Determination was made continue in operation until superceded by a Determination of the new Special Board and upon such Determination being made shall cease to have effect.

(6) Each Special Board shall consist of not less than four nor more than ten members and a chairman.

134. (Act 2386.) The Governor in Council may by Order published in the *Government Gazette* direct that any Special Board may in any regulation Determination Order or instrument or legal proceedings be described for all purposes by some short title specified in such Order.

135. (1) (Act 2386.) The Governor in Council may by an order published in the *Government Gazette* extend the powers under this Act of any Special Board so that such Board may fix the lowest prices or rates for any articles or process trade or business or part of any such process trade or business which in the opinion of the Governor in Council are of the same or similar class or character as those for which such Board was appointed, and such Board shall as regards the articles process trade or business mentioned in the extending Order in Council have all the powers conferred on a Special Board by this Act.

(2) A copy of the *Government Gazette* containing an order so extending the powers of a Special Board shall be conclusive

evidence of the making of such order and such order shall not be liable to be challenged or disputed in any Court whatever.

136. (1) (Act 2386.) One-half of the members of a Special Board shall be appointed as representatives of employers and one-half as representatives of employes.*

(2) The representatives of the employers shall be *bona fide* and actual employers in the trade concerned, or shall have been so for six months during the three years immediately preceding their appointment and the representatives of the employes shall be actual and *bona fide* employes in such trade or shall have been so for six months during the three years immediately preceding their appointment.

(3) (*a*) Appointments as members of any Special Board shall be for three years only, but any member of a Special Board may on the expiration of his term of office be re-appointed thereto;

(*b*) The Chairman of any Special Board shall be deemed and taken to be a member thereof; and

(*c*) The Governor in Council may at any time remove any member of a Special Board.

137. (1) (Act 2386.) Before appointing the members of any Special Board the Minister may by notice published in the *Government Gazette* nominate† persons as representatives of employers and representatives of employes to be appointed as members of such Special Board.

(2) In any case where one-fifth of the employers or employes in any process trade business or occupation carry on or are engaged in such process trade business or occupation outside the Metropolitan District as defined in this Act‡ one at least of the

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* On the Special Board for Men's and Boys' clothing, the employers' representatives must consist of three representatives of makers of ready-made clothing and two of makers of order clothing.—(See section 162 *post.*)

† Although the Minister has power to nominate whomsoever he pleases within the limitations of section 136 *ante*, his invariable practice is to consult the parties interested. It is open for any person or association to forward the names of persons suitable for nomination. If such names exceed the number to be appointed, the Minister makes a selection, and nominates those selected by publishing their name in the *Government Gazette.*

‡ The Metropolitan District is defined in section 77.

persons so nominated as representatives of employers and one at least of the persons so nominated as representatives of employes shall be a person who resides and who carries on or is engaged in or has carried on or been engaged in (as the case may be) such process trade business or occupation outside the said Metropolitan District.

(3) Unless within twenty-one days after the date when such nominations are so published at least one-fifth of the employers or at least one-fifth of the adult employes respectively engaged in the process trade business or occupation subject to such Special Board give notice in writing to the Minister that they object to the appointment of the persons nominated as their representatives (as the case may be) then such persons so nominated may be appointed members of the Special Board by the Governor in Council as representatives thereon of the employers or employes (as the case may be).

(4) For the purpose of furnishing the information necessary for preparing rolls of electors (none of whom shall be under the age of eighteen years) for Special Boards in any process trade business or occupation not usually or frequently carried on in a factory as defined by this Act all employers shall send to the Chief Inspector their names and addresses and also the names and addresses of all employes not under eighteen years of age, in the form or to the effect of the Seventh Schedule and the Chief Inspector shall compile voters' rolls therefrom and each employer and each employe shall have one vote.

Any employer failing so to forward his name and address shall not be entitled to vote for representatives of employers on the Special Board to be elected.

Every employe not under eighteen years of age, who produces evidence to the satisfaction of the Chief Inspector that his ordinary occupation when at work is employment in any process trade business or occupation in regard to which the lowest prices or rates of payment are to be determined by any Special Board shall notwithstanding that his name and address have not been forwarded by his employer be enrolled as an elector of representatives of employes on such Special Board.

The Minister may decide whether any process trade business or occupation falls within this sub-section.

(5) The Minister shall decide whether persons nominated as representatives have been objected to by at least one-fifth of employers or adult employes (as the case may be) and for that purpose he shall accept the records given by the Chief Inspector in his latest annual report.

Provided that in any case where no records are given in the latest Annual Report of the Chief Inspector of Factories with respect to any persons, likely to be affected by the Determination of any such Special Board the Minister if he is satisfied that there is substantial objection to the persons nominated by him as representatives of employers or employes on such Special Board and notwithstanding that an objection signed by one-fifth of the employers or adult employes respectively engaged in the process trade business or occupation subject to such Special Board has not been lodged may decide that an election shall be held .

(6) If the Minister is satisfied that at least one-fifth of the employers or of the adult employes object within the time aforesaid to the persons nominated as their representatives or that otherwise there is substantial objection then such representatives of employers or such representatives of employes shall subject to the provisions of this Act be elected as may be prescribed by regulations made by the Governor in Council.†

138. (Act 2386.) If the number of persons nominated as representatives of employers or employes (as the case may be) does not exceed the number of persons to be elected the persons nominated shall be deemed and taken to have been elected and shall be appointed by the Governor in Council accordingly to be members of the Special Board.

139. (Act 2386.) In the event of any vacancy occurring from any cause whatsoever in any Special Board, the Governor in Council may without previous nomination or election appoint a person as representative of employers or employes as the case

† But the members of any Special Board for the furniture trade shall not be elected.—Section 161 *post*.

may require (and the person so appointed shall be deemed and taken to have been elected by such employers or employes, as the case may be); and such person shall be so appointed for the unexpired portion of the term of office of the member who dies or resigns or is removed.*

(2) *Appointment of Chairmen.*

140. (1) (Act 2386.) The members of a Special Board shall within fourteen days after their appointment nominate in writing some person (not being one of such members) to be Chairman of such Special Board, and such person shall be appointed by the Governor in Council to such office.

(2) In the event of the Minister not receiving such nomination within fourteen days after the appointment of the said members then the Governor in Council may appoint the Chairman on the recommendation of the Minister.

(3) *Powers and Functions of Boards.*†

141. (Act 2386.) Every Special Board in accordance with the terms of its appointment—

(*a*) shall determine the lowest prices or rates of payment payable to any person or persons or classes of persons employed in the process trade business or occupation specified in such appointment. Such prices or rates of payment may be fixed at piece-work prices or at wages rates or both as the Special Board thinks fit;

(*b*) shall determine the maximum number of hours per week for which such lowest wages rates shall be payable according to the nature or conditions of the work; and the wages rates payable for any shorter time worked shall be not less than a *pro rata* amount of such wages rates and not less than such a rate as may be fixed for casual labour.

* It is the practice of the Minister to consult the interests of the persons concerned. If the Board is sitting when the vacancy occurs, its remaining members usually suggest a suitable person. It is well, therefore, for parties interested to be ready with nominations as soon as a seat on the Board becomes vacant.

† A Board may fix rates for repairing articles.—Section 152 *post*. For additional powers as to apprentices and improvers, see section 182 *post*.

In fixing such lowest prices or rates the Special Board shall take into consideration the following matters and may (if it thinks fit) fix different prices or rates accordingly —

(i) the nature kind and class of the work;

(ii) the mode and manner in which the work is to be done;

(iii) the age and sex of the workers;*

(iv) the place or locality where the work is to be done;

(v) the hour of the day or night when the work is to be done;

(vi) whether more than six consecutive days' work is to be done;

(vii) whether the work is casual as defined by the Board;

(viii) any recognized usage or custom in the manner of carrying out the work; and

(ix) any matter whatsoever which may from time to time be prescribed.

(*c*) shall fix a higher wages rate to be paid for any time in excess of the maximum number of hours per week so fixed and —

may fix the times of beginning and ending work upon each day; and

may fix a higher rate to be paid for any hour or fraction of an hour worked outside the times so fixed;† and

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*As to persons under 21 years of age, other than apprentices or improvers, see section 154 *post*.

† It will be noted that, under paragraphs (*b*) and (*c*), two different classes of overtime can be fixed. Under (*b*) and (*c*) the Boards are bound to fix the number of hours for a week's work, and the wages rate for any time in excess. Under (*c*) they may fix the times of beginning and ending work upon each day, and, having done so, must fix a higher rate for all time worked outside those hours. If these two powers were exercised independently of one another, they would clash.

It has been found necessary, when any Board wishes to exercise both powers, to adopt a form such as follows:

TIME OF BEGINNING AND ENDING WORK.

That the time of beginning and ending work shall be:

Time of Beginning.	Time of Ending.
7.30 A. M.	12 noon on the day on which the half-holiday is observed.
7.30 A. M.	6 P. M. on the other working days of the week.

may fix special rates for work to be done on a Sunday or public holiday.†

(*d*) May prescribe the form of apprenticeship indenture to be used.

(*e*) When in this Act or any regulations thereunder the number of the hours of work per week or the overtime rates of pay are fixed for any class or classes of workers, a Special Board when exercising any of the powers conferred by this section instead of fixing the number of working hours per week or overtime rate for the class or classes of workers to be affected by the determination of such Board fixed by the Factories and Shops Acts may fix a different number of working hours or overtime rate as the case may be.

142. (Act 2386.) Where pursuant to this Act by any Determination of a Special Board both a piece-work price and a wages rate are fixed for any work, the piece-work price shall be based on the wages rate; but no Determination shall be liable to be questioned or challenged on the ground that any piece-work price is a greater or less amount than such price would be if based upon the wages rate.

143. (Act 2386.) For wholly or partly preparing or manufacturing outside a factory articles of clothing or wearing apparel

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OVERTIME.

That the following rates shall be paid for all work done:

(*a*) Within the hours fixed in clause in excess of 48 hours in any week	Time and a quarter.
(*b*) Outside the hours fixed in clause	

In many trades it is found better to exercise only the power of fixing overtime rates on the week's work, without fixing the time of beginning and ending. This course has the advantage of elasticity, allowing employers and employes to arrange their hours of work to suit themselves, according to the conditions and locality of their work.

† The only days which a Wages Board has power to name as public holidays are: 1st January (New Year's Day), 26th January (Foundation Day), Good Friday, Easter Saturday, Monday, and Tuesday, 21st April (Eight Hours' Day), 3rd June (King's Birthday), first Thursday in September (Royal Agricultural Show Day, in localities named in the Royal Agricultural Show Act), 25th December (Christmas Day), and 26th December (Boxing Day).

or boots or shoes a piece-work price only shall be fixed, and the Board shall on request of any occupier of a factory or shop or place fix a wages rate for any work done by persons operating at a machine used in such factory or shop or place.

144. (1) (Act 2386.) Any Special Board instead of specifying the lowest piece-work prices which may be paid for wholly or partly preparing or manufacturing any articles may determine that piece-work prices based on wages rates fixed by such Special Board may be fixed and paid therefor subject to and as provided in the next following sub-section.

(2) Any employer who pursuant to such Determination fixes and pays piece-work prices shall base such piece-work prices on the earnings of an average worker working under like conditions to those for which the piece-work prices are fixed and who is paid by time at the wages rates fixed by such Special Board. Every such employer shall if required by the Chief Inspector so to do forward a statement of such prices to the Chief Inspector.

(3) Any person who having fixed a piece-work price as in this section provided either directly or indirectly or by any pretence or device pays or offers or permits any person to offer or attempts to pay any person a piece-work price lower than the price so fixed by such first-mentioned person or who refuses or neglects to forward a statement of such prices when required to do so by the Chief Inspector shall be deemed to be guilty of a contravention of the provisions of this Part.*

(4) In proceedings against any person for a contravention of the provisions of the two last preceding sub-sections of this section the onus of proof that any piece-work price fixed or paid by such person is in accordance with the provisions of such sub-sections shall in all cases lie on the defendant.

145. (Act 2386.) When in any Determination a Special Board has fixed a wages rate only for wholly or partly preparing or manufacturing either inside or outside a factory any articles or for doing any work then it shall not be lawful for any person to pay or authorize or permit to be paid therefor any piece-work

* Penalty—section 226.

prices, and the receipt or acceptance of any piece-work prices shall not be deemed to be payment or part payment of any such wages.

146. (Act 2386.) When in any Determination a Special Board has fixed piece-work prices for wholly or partly preparing or manufacturing any articles and in the description of the work in respect of which such piece-work price is to be paid such Board enumerates several operations, and when any one or more of such operations is by the direction or with the expressed or implied consent of the occupier of the factory or his manager or foreman or agent omitted, such omission shall not affect the price to be paid in connection with the particular work, but such price shall, unless otherwise provided in such Determination, be that fixed as the price for the whole work described.

147. (Act 2386.) Notwithstanding anything contained in this Act the price or rate of payment to be fixed by any Special Board for wholly or partly preparing or manufacturing any article of furniture* shall wherever practicable be both a piece-work price and a wages rate. The piece-work price shall be based on the wages rate fixed by such Board.

148. Act 2386.) Where it appears to be just and expedient special wages rates may be fixed for aged infirm or slow workers by any Special Board.†

149. (Act 2386.) All powers of any Special Board may be exercised by a majority of the members thereof.

150. (Act 2386.) During any vacancy in a Special Board (other than in the office of Chairman) the continuing members may act as if no vacancy existed, provided no member of the Board objects.‡

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* For additional powers of Furniture Board, see sections 152 and 156 *post.*

† Very few Boards have exercised their powers under this section. Under section 202 the Chief Inspector can grant a license to an old, slow, or infirm worker to work for less than the minimum wage, but it is questionable whether in case a Board had fixed rates, the Chief Inspector could legally grant a license to work for anything less than the rate fixed by the Board.

‡ In practice the Boards do not usually decide important points during a vacancy.

151. (Act 2386.) The Chairman of any Special Board may require any person (including a member of a Special Board) giving evidence before a Board to give his evidence on oath and for such purpose shall be entitled to administer an oath accordingly to such person.

152. (Act 2386.) A Special Board shall have power to determine the lowest prices or rates to be paid to any person or persons or classes of persons employed in repairing —

(*a*) Any articles of clothing or wearing apparel or furniture in respect to which such Board may make a Determination; or

(*b*) any articles which are subject to the Determination of a Special Board for any process trade or business.

153. (Act 2386.) Where by the Determination of a Special Board the wages of an apprentice or of an improver are to vary in accordance with his experience or length of employment in his trade, then for the purpose of determining the wages he is entitled to receive, any time during which such apprentice or improver has worked at his trade shall be reckoned in his length of employment in such trade.

154. (Act 2386.) When fixing the wages rate to be paid to p rsons (other than apprentices or improvers) under twenty-one years of age for any particular class of work any Special Board may fix different rates having regard to the length of experience of such persons in such particular class.

155. (Act 2386.) No Special Board shall sit during ordinary working hours in any trade except by mutual agreement of the representatives of the employers and employes on the Board, or by the direction of the Minister.

(4) *Miscellaneous Provisions as to Special Boards.*

156. (Act 2386.) The Special Board heretofore appointed with regard to articles of furniture may also determine the lowest prices or rates which may be paid to female workers employed as upholstresses whether as carpet hands table hands or drapery hands, also to male persons employed in planning and laying car-

pets or linoleums or floor cloths or fixing draperies or making and fixing window venetian and wire blinds if a resolution shall have been passed by both Houses of Parliament declaring it is expedient for the Special Board so to do.

157. (Act 2386.) The Special Board heretofore appointed and called the Woodworkers Board may also determine the lowest prices or rates which may be paid to persons employed as stackers or sorters in connection with the loading or unloading of timber from ships, or the stacking of same in any yard or place.

158. (1) (Act 2386.) Special Boards may be appointed in order to determine the lowest prices or rates which may be paid to any person or persons or classes of persons wheresoever employed in the process trade or business of either the whole or any part of the iron working trade (for which a Special Board has not been constituted) including —

(*a*) engineering,

(*b*) boilermaking,

(*c*) blacksmithing,

(*d*) general iron work.

(2) The lowest prices or rates which may be determined under and pursuant to the Factories and Shops Acts by any Special Board appointed —

in the occupation of a fireman boiler attendant or engine-driver in connection with the use of steam-boilers or steam-engines other than steam-boilers or steam-engines connected with mines; or

under the provisions of paragraphs (*a*), (*b*), (*c*), and (*d*) of this section

for any person or persons or classes of persons shall be the lowest prices or rates to be paid to such person or persons or classes of persons wheresoever employed, notwithstanding that any other rates are determined with respect to such person or persons or classes of persons by any other Special Board.

159. (1) (Act 2386.) Any Special Board appointed —

(*a*) in the occupation of a fireman boiler attendant or engine-driver in connection with the use of steam-boilers or steam-engines other than steam-boilers or steam-engines connected with mines; or

(*b*) In the occupation of a fireman boiler attendant or engine-driver in connection with a steam-engine or steam-boiler in or about mines of every kind,

is hereby given power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the occupation of assistant engine-driver greaser or trimmer in connection with the use of steam-engines or steam-boilers.

(2) Such Special Board may exercise all the powers conferred on Special Boards under this Act so far as any person or persons or classes of persons mentioned in this section are concerned.

160. (1) (Act 2386.) Notwithstanding anything contained in this Act, the Carters Board appointed on the first day of December, one thousand nine hundred and nine, is hereby given power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in or in connection with any stable (other than a livery stable) in which are stabled the horses used in his busines trade or occupation by any person subject to the determination of the said Special Board.

(2) Such Special Board may exercise all the powers conferred on Special Boards under this Act so far as any such person or persons or classes of persons mentioned in this section are concerned.

161. (Act 2386.) Notwithstanding anything contained in this Act the members of any Special Board to determine or fix the lowest price or rate which may be paid to any person for wholly or partly preparing or manufacturing any particular articles of furniture shall not be elected, and the Governor in Council may from time to time appoint such Special Board.

162. (Act 2386.) In the case of the Special Board for Men's and Boys' Clothing, the representatives of the employers shall consist of three representatives of makers of ready-made clothing and two of makers of order clothing, and the rolls for any election of

such respective representatives shall be prepared and votes given in such manner as may be prescribed.

163. (Act 2386.) Notwithstanding anything contained in this Act the Special Board called the Ironmoulders Board appointed on the seventeenth day of December one thousand nine hundred and one is hereby given power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the process trade or business of a steelmoulder and to exercise all the powers conferred on Special Boards under this Act so far as the process trade or business of a steelmoulder is concerned.

2. (1) (Act 2447.) In addition to the powers it already possesses the Special Board heretofore appointed and called the Hotel Employes Board is hereby given power to either —

(*a*) fix prices and rates to be paid to employes without taking into consideration either board or lodging; or

(*b*) fix prices and rates to be paid to employes varying according to whether full or partial board or lodging is received by the employe.

(2) When the Board makes a Determination having exercised either of these powers it shall be an offense for any employer to accept any payment from any employe under the jurisdiction of the said Board for either board or lodging.

(5) *Duration Publication and Application of Determinations of Special Boards and Court of Appeals.*

164. (Act 2386.) Any price or rate determined by any Special Board shall from a date (not being within thirty days of such Determination)* fixed by such Board, be and remain in force until

* It may be noted that it is only a *price or rate* that must stand for thirty days. Any part of a Determination which does not fix a *price or rate* apparently can be brought into force without any period of waiting. Although this section prevents a price or rate coming into force until after the lapse of thirty days, nothing in the Factories and Shops Acts requires preliminary notice. In practice, the Department endeavours to give reasonable notice in the *Government Gazette*, but there have been instances when circumstances have rendered that impossible, and the Determination has come into force immediately on being published.

amended by a Determination of such Special Board; but such Determination may at any time be amended or revoked by the Court of Industrial Appeals.

165. (1) (Act 2386.) The Determination of any Special Board shall be signed by the Chairman thereof and published in the *Government Gazette* and shall apply to the area or locality (including the whole or any part or parts of Victoria) defined by the Governor in Council as the area or locality within which the Determination of such Special Board shall be operative.*

(2) Every amendment of any Determination of any Special Board at any time made shall apply to the same part or parts of Victoria as the Determination amended.

3. (Act 2447.) For section one hundred and sixty-six of the Principal Act there shall be substituted the following section: —

"166. No determination of a Special Board shall prevent the sons or daughters of any employer being employed by him in any capacity whether he has or has not the full number of apprentices and improvers, and he shall not be bound to pay his sons and daughters the rates fixed by any Determination."

167. (Act 2386.) Where any person is employed to perform two or more classes of work to which a rate fixed by a Special Board is applicable then such person shall be paid in respect of the time occupied in each class of work at the rate fixed by the Board for such work.†

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* There is nothing in this section to indicate upon whom the duty lies of publishing a Determination in the *Government Gazette*. The amended Determination of the Hairdressers Board was sent to the Minister of Labour in December, 1911. The Minister refused to gazette it. Application was made to Mr. Justice Cussen for a mandamus. The Judge refused the application.

† This section imposes the duty upon the employer of paying an employe in accordance with the period of time occupied under each Determination, or under different parts of the same Determination. In cases where several Determinations are operative this may become a difficult matter, and necessitates the times being carefully kept and properly booked. It was the difficulty of carrying out the provisions of this section that induced the appointment of the Country Shop Assistants Board, which fixes a flat rate for all shop assistants in the districts to which the Determination extends, whether they be drapers, grocers, or fancy goods sellers, etc., as it was considered impossible to allocate the time in a country store to each of the many classes of employment.

Compare section 141 (*b*) as to payment of a *pro rata* amount for less hours worked than those fixed by the Board and section 168.

168. (Act 2386.) When any person is employed during any part of a day for an employer at work for which a Special Board has fixed a wages rate then all work whatever done by such person during such day for such employer whether inside or outside a factory or shop or place whatsoever or wheresoever shall be paid for at the same wages rate.

169. (Act 2386.) There shall be kept printed, painted or affixed in legible Roman characters, in some conspicuous place at or near the entrance of each and every factory or shop or place to which the Determination of a Special Board applies, in such a position as to be easily read by the persons employed therein, a true copy of the Determination of the Special Board as to the lowest prices or rates of payment determined by such Board.*

170. (Act 2386.) Where a piece-work price or a wages rate has been fixed by the Determination of any Special Board for wholly or partly preparing or manufacturing either inside or outside any factory any articles or for doing any work no person shall either directly or indirectly require or compel any person affected by such Determination to accept goods of any kind in lieu of money or in payment or part payment for any work done or wages earned and the receipt or acceptance of any goods shall not be deemed to be payment or part payment for any such work or of any such wages.

(6) *Validity of Determination.*

171. (1) (Act 2386.) If any person desires to dispute the validity of any Determination of any Special Board made or purporting to have been made under any of the provisions of this Act or any Act repealed thereby it shall be lawful for such person to apply to the Supreme Court upon affidavit for a rule calling upon the Chief Inspector to show cause why such Determination should not be quashed either wholly or in part for the illegality thereof; and the said Court may make the said rule absolute or discharge it with or without costs as to the Court shall seem meet.

(2) Every Determination of any Special Board shall unless and until so quashed have and be deemed and taken to have the

* For particulars of other information to be posted up in factories, see section 22; as to shops, see section 126.

like force validity and effect as if such Determination had been enacted in this Act, and shall not be in any manner liable to be challenged or disputed; but any such Determination may be altered or revoked by any subsequent Determination under this Act.*

(7) *Suspension of Determination.*

172. (1) (Act 2386.) Notwithstanding anything contained in this Act the Governor in Council may at any time for such period or periods as he thinks fit not exceeding six months in the whole by Order published in the *Government Gazette* suspend the operation of the Determination of any Special Board.† When the operation of any Determination (whether published in the *Government Gazette* or not) is so suspended it shall be the duty of such Special Board to forthwith hear receive and examine evidence as to such Determination, and thereupon such Special Board may either adhere to the said Determination or may make such amendments therein as to such Board seems proper.

(2) In the event of such Special Board making any such amendments, such Determination as so amended shall forthwith be published in the *Government Gazette* and shall for all purposes be deemed and taken to be the Determination of such Special Board from such date as may be fixed in such amended Determination, and the suspended Determination shall thereupon have no further force or effect.

(3) In the event of such Special Board notifying the Minister that such Board adheres to its Determination without amendment such suspension of the operation of such Determination shall by an Order in Council published in the *Government Gazette* be re-

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* The Court of Industrial Appeals has power to amend a Special Board's Determination. (See section 176(6).)

No change should be made in the Determination of a Board or of the Court of Industrial Appeals unless on some ground which may reasonably be considered as permanent, or at least likely to last for some considerable time. Mr. Justice Hood, *in re* the Bread Board, 13 A. L. R. 589.

† This provision became law on 27th September, 1897, by virtue of section 6 of the *Factories and Shops Act*, 1897 (No. 1518), and the power of suspension was exercised on only one occasion. On 25th November, 1897, the Governor in Council suspended the first Determination of the Boot Board, which was made on the 3rd November, 1897, and was to come into force on 29th November, 1897.

voked from such date not later than fourteen days as may be fixed in such Order.

173. (Act 2386.) Where the Minister is satisfied that an organized strike or industrial dispute is about to take place or has actually taken place in connection with any process trade business occupation or employment as to any matter which is the subject of a Determination of a Special Board or of the Court of Industrial Appeals the Governor in Council may by order published in the *Government Gazette* suspend* for any period not exceeding twelve months the whole or any part or parts of such Determination so far as it relates to the matter in reference to which such organized strike or industrial dispute is about to take place or has taken place, and such suspension may at any time by an Order published in the *Government Gazette* be removed by the Governor in Council or altered or amended in such manner as he thinks fit.

Court of Industrial Appeals.

174. (1) (Act 2386.) There shall be a Court of Industrial Appeals for deciding all appeals against a Determination of a Special Board and for dealing with any Determination of a Special Board referred to the Court by the Minister.

(2) The Court of Industrial Appeals shall consist of any one of the Judges of the Supreme Court; and the said Judges shall arrange which of them shall for the time being constitute the Court of Industrial Appeals.

(3) The Governor in Council may for the purposes of this Act appoint a Registrar of the Court of Industrial Appeals.

175. (Act 2386.) Where any Determination made by a Special Board either before or after the commencement of this Act is being dealt with by the Court, such Court shall consider whether the Determination appealed against has had or may have the effect of prejudicing the progress maintenance of or scope of employment in the trade or industry affected by any such price or rate; and if of opinion that it has had or may have such effect

* The power of suspension under section 173 has never been exercised.

the Court shall make such alterations as in its opinion may be necessary to remove or prevent such effect and at the same time to secure a living wage to the employes in such trade or industry who are affected by such Determination.

176. (1) (Act 2386.) Notwithstanding anything contained in this Act a majority of the representatives of employers or a majority of the representatives of employes on any Special Board or any employer or group of employers who employ not less than twenty-five per centum of the total number of the workers in any trade or twenty-five per centum or more of the workers in any trade, may at any time in the prescribed manner appeal against such Determination to the Court. For the purposes of this subsection the Court shall accept the records given by the Chief Inspector in his latest annual report.†

(2) The Minister may without appeal at any time after the making of a Determination by a Special Board refer such Determination for the consideration of the Court and may also refer any appeal made as hereinbefore provided for the consideration of the Court.

(3) No appeal against or reference to the Court of a Determination which has been published in the *Government Gazette* shall have the effect of suspending or delaying the operation of such Determination.

(4) Every Determination of a Special Board referred to the Court by the Minister and such documents relating thereto as may be deemed necessary shall be forwarded by the Chief Inspector to the Registrar of the Court.

(5) Except as hereinafter provided no barrister and solicitor or agent shall be allowed to appear before or be heard by the Court. By the direction of the Court or with the consent of both parties to

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† The power given by this section is to be distinguished from the power to challenge a Determination before the Supreme Court under section 171 *post*, in which latter case it is only challengeable for illegality. While the Court is considering the Determination the Board has no powers whatever, nor has it any power to alter or amend the Determination afterwards until such time as it obtains leave to do so from the Court under subsection (9) of this section. Compare section 180.

the appeal or reference either party may at its own cost be represented by a barrister and solicitor or agent. It appeals by a minority of employers or employes as provided under sub-section (1) of this section the Court may give such directions for the representation of parties as may in the circumstances appear to be proper.

(6) The Court shall have and may exercise all or any of the powers conferred on a Special Board by this Act and may either increase or decrease any prices or rates of payment (whether piecework prices or wages rates) and shall have full power to amend the whole or any part of any Determination of a Special Board.*

*An appeal to the Court of Industrial Appeals from the determination of a Wages Board is in the nature of a rehearing, and the Court is not confined to a consideration of the materials which were before the Board in coming to a conclusion as to what should be the minimum wage in the trade, process, or business for which the Special Board was appointed. Mr. Justice Hood, *in re* Bread Board, 13 A. L. R. 589. Mr. Justice Hodges, *in re* the Ice Board, 16 A. L. R. 46.

Appended is a list of the cases in which Determinations were referred to the Court of Industrial Appeals:

On the 14th September, 1904, an appeal was made to the Court by a group of six employers against the Determination of the Artificial Manure Board on the ground that the wage for adults, 40s. 6d., was too high, and it was suggested that 36s. be not exceeded. The Court fixed the wages of adults at 36s. per week.

On the 17th September, 1906, the Determination of the Fellmongers Board was appealed against by the representatives of employers on that Board, who stated that the hours should be 54, and not 48, and that the proportion of improvers should be increased. The Court fixed the number of hours per week at 54, but did not alter the proportion of improvers.

Again, on the 2nd October, 1906, the Court was appealed to by the employes, and, as a result, in 1909 the Court fixed the hours at 48 per week instead of 54, and some of the rates fixed at 42s. were amended to 45s.

On the 11th October, 1906, the representatives of employers on the Printers Board appealed against the Board's Determination, stating that the condition of the trade did not then warrant an increase in wages. The Court dismissed the appeal and upheld the Determination of the Board.

The Starch Board, being unable to arrive at a Determination, the matter of determining the wages of the employees in that trade was referred by the Minister of Labour to the Court of Industrial Appeals, and the Court drew up a Determination, which came into force on the 29th June, 1907.

On the 15th August, 1907, the employers' representatives on the Bread Board appealed against the increase in wages in the Determination of the Board. The Court dealt with the matter, and in its Determination, which came into force on the 15th September, 1907, the minimum wage of 54s. was altered to 50s. per week.

On the 12th November, 1909, an appeal against the Determination of the Ice Board was made by the representatives of employers on that Board, who considered that the rate for chamber hands, 1s. 3d., was too high. The Court amended the wage, and fixed it at 1s. per hour.

On the 16th November, 1909, three representatives of employers on the Hairdressers Board appealed against the Determination of their Board, on the

(7) The Court shall have and may exercise in respect of the summoning sending for and examining of witnesses, documents and books and in respect of persons summoned or giving evidence before the Court the same powers as are by the *Evidence Act* 1890 conferred on a Board or Commission appointed or issued by the Governor in Council; provided however that every summons to attend the Court may be signed by the Registrar.

(8) No evidence relating to any trade secret or to the profits or financial position of any witness or party shall be disclosed or published without the consent of the person entitled to the trade secret or non-disclosure.

(9) The Determination of the Court shall be final and without appeal and may not be reviewed or altered by a Special Board without leave of the Court, but the Court if satisfied upon affidavit that a *prima facie* case for review exists may either give such leave or may direct a rehearing before the Court, when the Court may itself alter or amend its Determination.

(10) The Determination of the Court shall be forwarded to the Minister by the Registrar.

177. (1) (Act 2386.) On any such appeal or reference to the Court, the Court may in its discretion appoint two assessors for the purpose of advising on any questions relating to the Determination.

(2) Within such time as the Court specifies, one of such assessors may be nominated by the representatives of the employers and one by the representatives of the employes on the Special Board which made the Determination.

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grounds that the minimum wages of certain male and female workers were too high, and that the proportion of improvers was too low. As a result of their representations, the proportion of improvers was amended by the Court, but the minimum wages fixed for males and females were upheld.

On the 24th July, 1912, an appeal was lodged by the representatives of employers on the Boilermakers Board against a rate of 54s. fixed for a certain class of labourers. A supplementary appeal was lodged on the 15th day of August, 1912, against a rate of 48s. fixed for another class of labourers. The Court fixed four rates for labourers at 54s., 52s., 50s., and 48s., respectively.

On the 21st December, 1912, the Minister of Labour referred the first Determination of the Commercial Clerks Board for the consideration of the Court, more particularly with regard to rates to be paid to female typewriters. No decision has yet been given.

(3) If default is made in nominating an assessor for the employers or the employes (as the case may be) the Court may appoint an assessor for the employers or the employes (as the case may be) without any nomination.

(4) Each assessor shall be entitled to an attendance fee of One pound for every day on which he attends the Court by order of the Court.

178. (1) (Act 2386.) The Minister shall cause each Determination of the Court to be published in the *Government Gazette* and such Determination shall apply to every part of Victoria to which the referred Determination applies or is expressly applied.

(2) The production before any Court Judge or Justice of a copy of the *Government Gazette* containing a Determination of the Court shall be conclusive evidence of the making and existence of such Determination and of the appointment of such Court and of all preliminary steps necessary to the making of such Determination.

(3) The provisions of this Act for or relating to the enforcement of any Determination of a Special Board shall equally apply to any Determination made by the Court, and such provisions shall with such substitutions as may be necessary be read and construed accordingly.

179. (1) (Act 2386.) A Determination of the Court of Industrial Appeals may be applied by an Order of the Governor in Council to any shire or portion of a shire.

(2) Every Order of the Governor in Council made pursuant to this section shall be published in the *Government Gazette* and any Determination thereby applied to any shire or portion of a shire shall have full force and effect within such shire or portion.

180. (Act 2386.) The Court of Industrial Appeals may revise or alter its own Determination at any time and from time to time on the application of either the representatives of employers or representatives of employes on the Special Board.

181. (Act 2386.) The Court of Industrial Appeals shall have all the powers of the Supreme Court and shall in every case be guided by the real justice of the matter without regard to legal forms and solemnities and shall direct itself by the best evidence it can procure or that is laid before it whether the same be such evidence as the law would require or admit in other cases or not; and if the Court considers any further evidence or information which would assist the Court could be obtained, the Court shall intimate in open Court what further evidence or information the Court desires.

APPRENTICES AND IMPROVERS.

(1) *Apprentices and Improvers.*

182. (1) (Act 2386.) When determining any prices or rates of payment every special Board shall also determine —

(*a*) the number or proportionate number of apprentices and improvers who may be employed within any factory or shop or place or in any process trade business or occupation;* and

(*b*) the lowest prices or rates of pay payable to apprentices or improvers when wholly or partly preparing or manufacturing any articles as to which any Special Board has made or makes a Determination or when engaged in any process trade, business or occupation as to which any Special Board has made or makes a Determination.†

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* It will be noted that a Board is given power to determine the number or proportionate number of apprentices and improvers who may be employed—

(1) In any factory or shop or place;

(2) In any process, trade, business, or occupation.

Boards have always fixed the number with reference to a factory, shop, or place, or with reference to an individual employer. It is difficult to see how a fixing of the number in a process, trade, business, or occupation could be practicably administered, seeing that there would be no means of deciding how many improvers or apprentices any particular employer would be entitled to.

†Any improver may, at the option of his employer, be put to any class of work. It is allowable for a Board to fix varying rates for improvers according to the work at which they are employed. The case is different, however, regarding apprentices. An apprentice has to be taught the whole of the trade to which he is apprenticed, and only one scale of payment can be fixed, no matter what his work.

(2) The Board when so determining may —

(*a*) take into consideration the age sex and experience of such apprentices or improvers;

(*b*) fix a scale of prices or rates payable to such apprentices or improvers respectively according to their respective age sex and experience; and

(*c*) fix a different number or proportionate number of male and female apprentices or improvers.

(*d*) prescribe the form of apprenticeship indentures to be used.

(3) In fixing the number or proportionate number of apprentices the Board shall not fix a less number or proportionate number than one apprentice for every three or fraction of three workers engaged in the particular process trade business or occupation and receiving the minimum wage or earning at piece-work not less than the minimum wage fixed for the time by such Determination.

(4) Provided that where prior to the fourth day of January one thousand nine hundred and eleven all the apprentices of any employer have been engaged so that all of their terms of apprenticeship would expire within eighteen months of one another, such employer shall be exempt from the operation of this Act and from the Determination of any Special Board so far as limitation of apprentices is concerned for a period not exceeding the term of apprenticeship in the particular trade from the said fourth day of January, one thousand nine hundred and eleven, so that it shall be lawful during such period as each apprentice of such employer completed his first, second, third, fourth, fifth, or sixth year, for the employer to take another apprentice to supply his place, so that a due and not disproportionate number of skilled workmen shall be secured: Provided that at the expiration of such period of exemption the number of apprentices is not in excess of the number such employer would be entitled to employ in proportion to the number of persons other than apprentices and improvers employed.

183. (Act 2386.) No person who has a greater number of apprentices in his employ than is prescribed in the Determination of a Special Board shall be or be deemed to be guilty of a contravention of this Act if he proves —

(*a*) that such apprentices employed by him were under indentures of apprenticeship entered into before the thirty-first day of December, one thousand nine hundred and ten; or

(*b*) that at the date of entering into the indentures of apprenticeship in respect of the last apprentice employed by him and for three months previous thereto he had in his employ such number of persons other than apprentices and improvers as at that date entitled him to the number of apprentices (including such last apprentice) in his employ.

184. (Act 2386.) Where any indentures of apprenticeship are entered into with respect to any trade to which the Determination of a Special Board applies and the wages to be paid to the apprentice are stated in such indentures then notwithstanding anything contained in this Act and notwithstanding any subsequent alteration of such Determination by such Special Board the wages to be paid to such apprentice during the currency of such indentures shall be the wages stated in the indentures.

185. (Act 2386.) (*Repealed by Section* 4, *Act* 2447.)*

(2) *Apprentices.*

186. (Act 2386.) Where any apprentice under the age of twenty-one years has been bound in writing by indentures of apprenticeship for a period of not less than two years, no provision in any Determination of a Special Board shall invalidate cancel or alter such deed of apprenticeship in any way whatever if such deed of apprenticeship was signed by all parties thereto before the

* Section 185 was a machinery section designed in the Consolidating Act to provide against the expiry of sections 182, 183, and 184, which were only in force till 31st December, 1912. The repeal of section 185 merely has the effect of making sections 182, 183, and 184 permanent.

notice of motion for the resolution for the appointment of such Special Board was given in either House of Parliament.

187. (1) (Act 2386.) No indenture of apprenticeship shall be deemed to be invalid under this Act by reason only that such indenture is not under seal.

(2) No indenture of apprenticeship shall be entered into after the passing of this Act in connection with any trade working under this Act except in the form* (if any) prescribed by any Special Board dealing with such trade and approved of by the Minister.

188. (1) (Act 2386.) Any failure either by an employer or an apprentice to carry out the terms of an indenture of apprenticeship shall be deemed to be a contravention of this section.†

(2) When the Minister is satisfied that there is any such failure either by an employer or apprentice he may direct that proceedings shall be instituted against the employer or apprentice as the case may be.

(3) A Court of Petty Sessions may for any such contravention —

(*a*) impose a penalty not more than Ten pounds and in addition

(*b*) order the defendant to enter into such securities as the Court may think fit to carry out the terms of the indenture;

(*c*) or impose on any employer a penalty not more than Twenty-five pounds if the Court is satisfied that the apprentice has not been taught the trade in accordance with the indenture of apprenticeship and that the employer has not given to the Court any satisfactory explanation of such failure to teach the apprentice the

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* The power of a Special Board to prescribe the form of indenture will be found in sections 141 and 182. For a convenient form of indenture, see page 120 *post*.

† Where either an employer or an apprentice considers that the other is committing a breach of any of the covenants full information should be sent to the Chief Inspector of Factories with the duplicate copy of the indenture. Inquiry will then be made, and steps taken by the officers of the Factories Department to enforce observance of the agreement.

trade. The whole or any part of such penalty may be applied for the benefit of the apprentice or otherwise as the Minister determines.

189. (Act 2386.) The Minister may grant permission in writing to any person —

(*a*) to be bound for less than three years as an apprentice to any trade subject to the Determination of a Special Board;

(*b*) who may become over twenty-one years of age during the term of his apprenticeship to complete the term of his apprenticeship;

(*c*) who is over twenty-one years of age to be bound by indentures of apprenticeship.*

190. (Act 2386.) Except in cases where the Minister has given his permission in writing as aforesaid all apprentices unless bound by indentures of apprenticeship which bind the employer to instruct such apprentice for a period of at least three years shall be deemed to be improvers for the purposes of this Act.†

(3) *Prohibition of Certain Premiums and Guarantees.*

191. (Act 2386.) Any person who either directly or indirectly or by any pretence or device requires or permits any person to pay or give or who receives from any person any consideration, premium or bonus for engaging or employing any female as an apprentice or improver in preparing or manufacturing articles of

*Any person of working age and under twenty-one can enter into apprenticeship for a term of three years or over in any trade subject to the Determination of a Special Board, but if it is desired that the term of apprenticeship be less than three years, an application should be made to the Minister of Labour, on the form provided for that purpose, which may be obtained at the office of the Chief Inspector of Factories. That permission will be granted freely in case it is desired to enable a young worker to complete his experience in his trade. If, for instance, he had served three and a half years' apprenticeship to one employer, and desired for any reason (his first indentures having expired or been cancelled) to complete five years' experience by serving one and a half years with another employer, he would be granted permission as a matter of course. If, on the other hand, he had no experience, and wished to be bound newly to a trade for less than three years, the Minister would require strong reasons for permitting apprenticeship for a term which would be considered too short to enable him to completely master his craft. A form of application under any of the paragraphs of this section may be obtained at the office of the Chief Inspector of Factories.

† Section 5 defines "improver."

clothing or wearing apparel shall be guilty of an offence and shall be liable on conviction to a penalty not more than Ten pounds; and the person who pays or gives such consideration, premium or bonus may recover the same in any Court of competent jurisdiction from the person who received the same.

192. (Act 2386.) Any shopkeeper (other than a registered pharmaceutical chemist) who either directly or indirectly or by any pretence or device requires or permits any person to pay or give him or who receives from any person any consideration, premium or bonus for engaging or employing any person in connection with the selling of goods or in connection with the business of a hairdresser or barber as an apprentice or improver in a shop shall be guilty of an offence and shall be liable on conviction to a penalty not more than Ten pounds; and the person who pays or gives such consideration, premium or bonus may recover the same in any Court of competent jurisdiction from the person who received the same.

193. (1) (Act 2386.) Except with the consent of the Minister in writing no person shall require or permit any person to pay any sum of money or enter into or make any guarantee or promise requiring or undertaking that such person shall pay any sum of money in the event of the behaviour or attendance or obedience of any apprentice improver or employe not being at any time satisfactory to the employer.

(2) Any such guarantee or promise as aforesaid or to the like effect entered into or made after the commencement of this Act without the consent of the Minister as aforesaid shall be null and void, and any person who without such consent makes or requires such guarantee or promise shall be liable on conviction to a penalty not exceeding Ten pounds.

(3) Any sum which after the commencement of this Act is paid in pursuance of such a guarantee or promise as aforesaid or to the like effect made in contravention of this section shall be returned to the person paying same; and the person who has so paid any such sum may if the same is not returned to him on demand recover the same with costs in any Court of competent jurisdiction from the person who received the same.

(4) *Improvers.*

194. (Act 2386.) The Minister is hereby authorized to grant to any person over twenty-one years of age who has satisfied him that such person has not had the full experience prescribed for improvers by the Special Board a license to work as an improver for the period named in such license at the wage fixed by the Board for an improver of any like experience.

APPENDIX C.

(1) SELECT BIBLIOGRAPHY.

A few of the more recent and most available references on minimum wage legislation:

Aves, Ernest. Report to the secretary of state for the Home Department on the wages boards and industrial conciliation and arbitration acts of Australia and New Zealand. London: Darling & Son, Ltd. 1908. 226 pp.

An exhaustive study of the operation of the wage boards and of the industrial arbitration and conciliation acts of Australasia, including results obtained through this legislation.

Brandeis, Louis D., and Goldmark, Josephine. Appendix to briefs filed on behalf of respondents in case of Frank C. Stettler v. Edwin V. O'Hara, Bertha Moores, Amedee M. Smith, constituting the industrial welfare (minimum wage) commission of Oregon. 1914. 207 pp.

Selection of extracts from all sources favorable to the legal minimum wage. Sets forth the evil of low wages, the benefits of an adequate wage, the benefits of the legal minimum wage and the analogy with other labor legislation.

Clark, John Bates. The Minimum Wage. (Atlantic monthly, Boston, Sept. 1913. pp. 289–297.)

A theoretical discussion setting forth the probable disadvantages of the legal minimum wage, with particular emphasis upon those who might be thrown out of work by such laws.

Hammond, Matthew B. Judicial interpretation of the minimum wage in Australia. (American economic review. Princeton, N. J., 1913. v. 3, pp. 259–286.)

Analysis of the fundamental principles underlying decisions given under the laws establishing minimum wages in Australasia. Based upon studies made during a personal visit to those countries in the winter of 1911–1912.

———. The minimum wage in Great Britain and Australia. (American academy of political and social science. Annals. Baltimore, 1913. v. 48, pp. 22–36.)

Results secured under the Victorian and British wage boards laws, based upon personal investigations.

Holcombe, Arthur N. The legal minimum wage in the United States. (American economic review. Princeton, N. J., 1912. v. 2, pp. 21–37.)

Foreign systems of wage regulation, constitutional outlook in America, the economic need of minimum wage legislation, and the probable effect upon the relation between employer and employes.

Kennaday, Paul. Victorian wages boards and the New Zealand conciliation-arbitration act. (Yale review. New Haven, 1910. v. 19, pp. 32–54.)

Method of operation of the New Zealand and Victorian laws, including personal impressions of the writer based upon a visit to those countries.

Markham, Arthur B. The coal strike. (Quarterly review. London, 1912. v. 216, pp. 554–573.)

Causes of the coal strike of 1912, the passage of the coal mines minimum wage act, and the probable effect of the operation of that law.

Ryan, John Augustine. A living wage; its ethical and economic aspects. With an introduction by R. T. Ely. New York: The Macmillan Co., 1906. 346 pp.

Seager, Henry Rogers. The theory of the minimum wage. (American labor legislation review. New York, 1913. v. 3, pp. 81–91.)

A statement of the underlying theory of minimum wage legislation together with its probable results upon the organization of industry and upon other problems of labor legislation. Contains discussion by John R. Commons, Paul U. Kellogg, M. B. Hammond, George W. Anderson, Henry Abrahams, G. W. Noyes, Edward F. McSweeney, George C. Groat and Emily Green Balch.

Snowden, Philip. The living wage. With a preface by H. Spender. London: Hodder and Stoughton, 1913. 189 pp.

Discussion of the benefits of the legal minimum wage, including experience gained under the British Trade Boards Act since 1910.

Webb, Sidney. The economic theory of a legal minimum wage. (Journal of political economy. Chicago, 1912. v. 20, pp. 973–998.)

Summary of the theoretical and practical arguments in favor of the minimum wage, illustrated by experience under existing laws. A comprehensive statement in favor of minimum wage legislation.

(2) MINIMUM WAGE COMMISSIONS.

California — Industrial Welfare Commission. (Five members.) Personnel — Frank J. Murasky, Mrs. Chas. Farwell Edson, A. B. C. Dohrmann, A. Bonnheim, Walter Mathewson. Address — San Francisco.

Colorado — State Wage Board. (Three members.) Personnel — W. H. Kistler, Mrs. Myrtle Porter, Mrs. Hattie Slothower, Sec. Address — Denver.

Massachusetts — Minimum Wage Commission. (Three commissioners.) Personnel — H. La Rue Brown, Arthur N. Holcombe, Mabel Gillespie, Amy Hewes, Sec. Address — 720–721 New Albion Bldg., 1 Beacon street, Boston.

Minnesota — Minimum Wage Commission. (Three members.) Personnel — W. F. Houk, A. H. Lindeke, Eliza P. Evans, Sec. Address — St. Paul.

Nebraska — Minimum Wage Commission. (Four members.) Personnel — Not yet appointed. Address — Omaha.

Oregon — Industrial Welfare Commission. (Three members.) Personnel — Edwin V. O'Hara, Bertha Moores, Amedee M. Smith, Caroline J. Gleason, Sec. Address — 610 Commercial Block, Portland.

Utah — No board. Commissioner of Immigration, Labor and Statistics charged with enforcement of law.

Washington — Industrial Welfare Commission. (Five members.) Personnel — Edw. W. Olson, Mrs. Jackson Silbaugh, Mrs. Florence H. Swanson, Rev. M. H. Marvin, Mrs. Udall. Address — Olympia.

Wisconsin — Industrial Commission (Three commissioners.) Personnel — C. H. Crownhart, J. D. Beck, Fred M. Wilcox, P. J. Watrous, Sec. Address — Madison.

APPENDIX IV

A LIST OF SELECTED REFERENCES ON THE MINIMUM WAGE.

PREPARED BY

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THE MINIMUM WAGE: A PRELIMINARY LIST OF SELECTED REFERENCES.*

Addams, Jane. Minimum wage boards for women. (Ladies Home Journal. Philadelphia, 1913. f° Vol. 30, No. 3, p. 27.)

Alden, Percy. Sweating and the fair wages report. (International: a review of the world's progress. London, 1909. 4°. Vol 4, pp. 224–231.)

Ashley, William James. Wages boards and home workers. (National Review. London, 1908. 4°. Vol. 52, pp. 636–649.)

Aves, Ernest. Report to the Secretary of State for the Home Department on the wages boards and industrial conciliation and arbitration acts of Australia and New Zealand. London: Darling & Son, Ltd., 1908. 226 p. f°. (Great Britain. Parliamentary papers. 1908, Vol. 71.)

B., N. A fair day's pay. (Westminster Review. London, 1907. 8°. Vol. 167, pp. 547–553.)

Bauer, E. Vers le minimum de salaire. Conférence faite à l'Office Social de Lyon le 7er mars 1909. (Questions pratiques de législation ouvrière et d'économie sociale. Paris, 1909. 8°. Tome 10, pp. 137–141, 180–192.)

Baylee, J. Tyrrell. The minimum wage and the poor law. (Westminster Review. London, 1899. 8°. Vol. 152, pp. 628–640.)

Belgium.— Office du Travail. Le minimum de salaire et les administrations publiques en Belgique. Bruxelles: P. Lebègue & Cie., 1911. 2 p.l., 3–206 p., 1 l. 8°.

* All material included in this list is on file in the Reference Department of the New York Public Library.

Bellet, Daniel. Du repos hebdomadaire au salaire minimum. (Journal des Économistes. Paris, 1908. 4°. Series 6, tome 18, pp. 19–35.)

Belloc, Hilaire. The minimum wage and the servile state. (Month. London, 1914. 8°. Vol. 123, pp. 33–41.)

Bellom, Maurice. Le juste salaire. (Académie des sciences morales et politiques. Séances et travaux. Compte rendu. Paris, 1909. 8°. Tome 171, pp. 396–410.)

—— Le juste salaire. (Grande Rev. Paris, 1909. 4°. Vol. 53, pp. 502–513.)

Bender, Émile. Le salaire effectif, sa protection par la loi. Avec préface de Paul Pic. Paris: A. Rousseau [1898]. 2 p.l., vii, 5–182 p. 4°.

Berthod, Aimé. Le minimum de salaire des ouvrières a domicile dans l'industrie du vêtement. (Questions pratiques de législation ouvrière et d'économie sociale. Paris, 1913. 8°. Année 4, pp. 257–269.)

Black, Clementina. Legislative proposals. (In: Woman in industry from seven points of view. London, 1908. 12°. pp. 183–206.)

—— Sweated industry, and the minimum wage, by C. Black. With an introduction, by A. G. Gardiner. London: Duckworth & Co., 1907. xxiv, 281 p., 1 l. 12°.

—— What is a fair wage? (New Review. London, 1893. Vol. 8, pp. 587–592.)

Boehringer, Robert. Die Lohnämter in Victoria. Leipzig: Duncker & Humblot, 1911. viii, 197 p. 8°. (Staats- und sozialwissenchaftliche Forschungen. Heft 154.)

Boyaval, Paul. La lutte contre le sweating-system. Le minimum légal de salaire. L'exemple de l'Australasie et de l'Angleterre. Paris: A. Taffin-Lefort, 1911. 718 p. 4°. (Université de Nancy. Faculté de droit.)

Bibliography, pp. 633-708.

Boyle, James. The legal minimum wage. (Forum. New York, 1913. 8°. Vol. 49, pp. 576–584.)

—— The minimum wage and syndicalism; an independent survey of the two latest movements affecting American labor. Cincinnati: Stewart & Kidd Co. [Cop. 1913.] 136 pp. 12°.

Brandeis, Louis D., and Josephine Goldmark. In the Supreme Court of the State of Oregon, Oct. term, 1913. F. C. Stettler, plaintiff and appellant, vs. E. V. O'Hara, B. Moores, A. M. Smith, constituting the Industrial Welfare Commission of the State of Oregon, defendants and respondents. Appendix to the briefs filed on behalf of the respondents. n. p. [1913]. 2 p.l., 3–207 pp. 1 table. 8°.

Brentano, Lujo. Ueber Syndikalismus und Lohnminimum; zwei Vorträge nebst einem Anhang, enthaltend Ausführungen und Dokumente zur Illustrierung der Kempfweise der Gegner sozialer Reform gegen deren Vertreter. München: Süddeutsche G. M. b. H., 1913, 114 pp. 8°.

Broadhead, Henry. The minimum wage. (In his: State regulation of labour and labour disputes in New Zealand. Christchurch, N. Z., 1908. 8°. pp. 57–74.)

Broda, Rodolphe. Inwieweit ist eine gesetzliche Festlegung der Lohn- und Arbeitsbedingungen möglich? Erfahrungen Englands, Australiens und Kanadas. Berlin: G. Reimer, 1912. x, 286 pp. 8°.

—— La fixation légale des salaires; expériences de l'Angleterre, de l'Austeralie et du Canada. Paris: M. Giard et E. Brière, 1912. 2 p.l., 181 pp. 8°.

—— Inwieweit ist eine gesetzliche Festlegung der Lohn — und Arbeitsbedingungen nötig. (In: Internationale Vereinigung für Vergleichende Rechtswissenschaft und Volkswirtschaftslehre in Berlin, I. Heidelberg, 1911. Verhandlungen. Berlin, 1912. 8°. pp. 571–578.)

—— Le salaire minimum pour les ouvrières en chambre. (Documents du progrès. Revue Internationale. Paris, 1912. 8°. Année 6, pp. 1–11.)

Brooks, Sydney. The minimum wage and its consequences. (Living Age. Boston, 1912. 4°. Vol. 273 [7. series, Vol. 55], pp. 370–372.)

Repr.: Outlook.

Brown, H. La Rue. Massachusetts and the minimum wage. (American Academy of Political and Social Science. Annals. Baltimore, 1913. 8°. Vol. 48, pp. 13–21.)

—— A minimum wage for workers. (City Club of Philadelphia. City Club Bulletin. Philadelphia, 1913. 8°. Vol. 6, pp. 198–203.)

Brussels.— Conseil Communal. Minimum de salaire. Enquête — mai 1896. Rapport présenté au Conseil Communal au nom de la commission d'enquête par M. le bourgmestre president. Bruxelles: Imprimerie v. J. Baertsoen, 1896. 180 pp. 8°.

Buxton, Charles Roden. Minimum wages for agricultural laborers. (Contemporary Review. London, 1912. 4°. Vol. 102. pp. 193–201.)

Cadbury, Edward, and George Shann. Remedies; state regulation of wages. (In their: Sweating. London [1907]. 12°. pp. 112–134.)

Carlyle, A. J. Underpayment and sweating in a provincial town. (Economic Review. London, 1908. 8°. Vol. 18, pp. 287–301.)

Case, The, for the national minimum; with preface by Mrs. Sidney Webb. London: National Committee for the Prevention of Destitution, 1913. Vol. 89. (1) p. 12°.

Chapin, Robert Coit. The standard of living among workingmen's families in New York City. New York: Charities Publication Committee, 1909. xv, 372 pp. 8°. (Russell Sage Foundation.)

Bibliography, pp. 353-360.

Clark, John Bates. The minimum wage. (Atlantic Monthly. Boston, 1913. 8°. Vol. 112, pp. 289–297.)

Clark, Victor S. Labor conditions in Australia. (United States.— Labor Bureau. Bulletin. Washington, 1905. 8°. Vol. 10, No. 56, pp. 9–243.)

—— Labor conditions in New Zealand. (United States.— Labor Bureau. Bulletin. Washington, 1903. 8°. Vol. 8, No. 49, pp. 1142–1281.)

—— The labor party and the constitution in Australia. (Journal of Political Economy. Chicago, 1911. 4°. Vol. 19, pp. 479–490.)

—— Minimum wage boards. (In his: The labour movement in Australasia: a study in social-democracy. London, 1907. 12°. pp. 138–153.)

—— Present state of labor legislation in Australia and New Zealand. (American Academy of Political and Social Science. Annals. Philadelphia, 1909. 4°. Vol. 33, pp. 440–447.)

Compain, L. M. Le minimum légal de salaire en France. (Grande Revue. Paris, 1910. 8°. Vol. 64, pp. 143–147.)

Compulsory minimum wage law in Oregon. (Survey. New York, 1913. 8°. Vol. 30, pp. 4–5.)

Connecticut.— Commission to Investigate Conditions of Wage-earning Women and Minors. Report of the commission appointed by the governor, 1911, special act number 276. Report presented to the General Assembly of 1913. Hartford: published by the state, 1913. 297 pp. 8°.

Consumers' League of Oregon. Social Survey Com. Report on the wages, hours and conditions of work and cost and standard of living of women wage-earners in Oregon with special reference to Portland. Portland, 1913. 71 pp. 8°.

Cotterill, C. C. A living wage a national necessity. How best to get it. London: A. C. Fifield, 1912. 86 pp., 1 l. 16°.

Cristofaro, Salvatore de. Lo stato economico dei funzionari delle istituzioni pubbliche di beneficenza. (Rivista della beneficenza pubblica. Bologna, 1912. 8°. Anno 40, pp. 553–569.)

Cunningham, William. A living wage. (Contemporary Review. London, 1894. 4°. Vol. 65, pp. 16–28.)

Davis, G. Herbert. A legal minimum wage. (Commonwealth; a Christian social magazine. London, 1907. 8°. Vol. 12, pp. 153–155.)

Dilke, Charles W. Sweating and minimum wage. (International; a review of the world's progress. London, 1907. 4°. Vol. 1, No. 1, pp. 5–12.)

Dyhrenfurth, Gertrud. Die Entwicklung der englischen Trade-Boards (Gewerkämter). (Jahrbücher für Nationalökonomie und Statistik. Jena, 1910. 8°. Folge 3, Bd. 40, pp. 791–806.)

Ensor, R. C. K. The practical case for a legal minimum wage. (Nineteenth century and after. London, 1912. 8°. Vol. 72, pp. 264–276.)

Evans, Elizabeth Glendower. A case for minimum wage boards (1) experience vs. prophecy; (2) the system on trial. (Survey. New York, 1914. 4°. Vol. 31, pp. 440–441; 497–498.)

—— A legal minimum wage. Part I. Initial steps in this country. Part II. Some reasons for its adoption. (La Follette's Weekly Magazine. Madison, Wis., 1912. f°. Vol. 4, No. 8, p. 10; No. 11, pp. 10–11.)

—— The minimum wage. (City Club Bulletin. Chicago, 1912. 4°. Vol. 5, No. 3, pp. 25–32.)

—— The minimum wage for women. The first effort in America to follow the lead of Great Britain in the most important industrial reform of the day. (Twentieth Century Magazine. Boston, 1912. 8°. Vol. 6, No. 1, pp. 65–69.)

Fabian Society. The case for a legal minimum wage. London: The Fabian Society, 1908. 19 pp. 8°. (Fabian Tract, No. 128.)

Fortey, E. C. The living wage, an English view. (American Catholic Quarterly Review. Philadelphia, 1912. 8°. Vol. 37, pp. 728–736.)

France.— Office du Travail. Note sur le minimum de salaire dans les travaux publics en Angleterre, en Belgique, en Hollande, en Suisse, aux Etats-Unis et en France. (Analyse des documents officiels recueillis sur la demande du Conseil Supérieur du Travail.) Paris: Imprimerie Nationale, 1897. 129 pp. 4°. (Ministère du Commerce, de l'Industrie, des Postes et des Télégraphes.)

Fyfe, W. Hamilton. The remuneration of women's work. (Economic Review. London, 1908. 8°. Vol. 18, pp. 135–145.)

Ghent, M. J. The movement for a minimum wage. (Harper's Weekly. New York, 1914. f°. Vol. 58, No. 2992. pp. 18.)

Gisborne, F. A. W. The federal arbitration court and the living wage. Empire Review and Magazine. London, 1912. 4°. Vol. 22, pp. 33–44.)

—— Industrial legislation in Australia and its lessons. (Empire Review and Magazine. London, 1912. 4°. Vol. 23, pp. 353–364.)

Good, T. The coal strike; its causes and consequences. (Cassier's Magazine. New York, 1912. 4°. Vol. 41, pp. 533–539.)

Gough, George W. The wages boards of Victoria. (Economic Journal. London, 1905. 8°. Vol. 15, pp. 361–373.)

Governor Sulzer on minimum wage boards. What are minimum wage standards? How a minimum wage law has worked. (Outlook. New York, 1913. 4°. Vol. 103, pp. 52-54.)

Great Britain. Factories Inspector. Factories and workshops. Report . . . on the administration of the factory and workshop act, 1901, . . . by local authorities in respect of workshops, outwork, etc. London, 1909. f°.

—— Fair Wages Committee. Report with appendices. London: J. Truscott & Son, Ltd., 1908. iv, 52 pp. f°. (Great Britain. Parliamentary papers. 1908.)

—— Minutes of evidence taken before the Fair Wages Committee with index thereto. London: J. Truscott & Son, Ltd., 1908. vi, 320 p. f°. (Great Britain. Parliamentary papers. 1908.)

Great Britain. Home Work, Committee on. Report . . . together with the proceedings of the Committee, minutes of evidence, and appendix. London: Wyman & Sons, Ltd., 1907. x, 247 pp. pap. f°. (H. of C. pap. 290.)

—— Same. Index and digest of evidence. Sess., 1907. 249–290 pp. pap. f°. (H. of C. pap. 290. Ind.)

Great Britain.— Statutes. British Trade Boards Act, 1909. (In: United States. — Labor Bureau. Bulletin. Washington, 1910. 8°. Vol. 20, No. 86, pp. 185–191.)

—— The British Minimum Wages Act of 1909. Trade Boards Act, 1909. (9 Edw. 7, ch. 22; 20 October, 1909.) (Quarterly Journal of Economics. Cambridge, 1910. 8°. Vol. 24, pp. 578–588.)

—— Labour (minimum conditions). A bill to provide for minimum rates of wages and maximum hours of labour, and to regulate the conditions of labour. London: Eyre and Spottiswoode, 1914. 1 p.l., 11 pp. f°. (Commons bill 131.)

—— Minimum rates of wages. (In: Great Britain.— Statutes. The public general acts passed in the ninth year of the reign of His Majesty King Edward the Seventh. London, 1909. 4°. pp. 92–96.)

Growth of the minimum wage idea in the United States. (Survey. New York, 1914. 4°. Vol. 31, pp. 52.)

Guyot, Yves. Le minimum de salaire des mineurs britanniques. (Journal des Économistes. Paris, 1912. 4°. Série 6, tome 34, pp. 3–26.)

Hammond, Matthew B. Judicial interpretation of the minimum wage in Australia. (American Economic Review. Princeton, N. J., 1913. 8°. Vol. 3, pp. 259–286.)

—— The minimum wage in Great Britain and Australia. (American Academy of Political and Social Science. Annals. Baltimore, 1913. 8°. Vol. 48, pp. 22–36.)

Hapgood, Norman. Why we should have a minimum wage. (National Retail Dry Goods Association Bulletin on the minimum wage. [New York,] 1914. 4°. Vol. 2, special No. 11, pp. 5–7.)

Heiss, Cl. Syndikalismus und Lohnminimum. (Deutsche Techniker-Zeitung. Berlin, 1914. f°. Jahrg. 31, pp. 121–123.)

Henry, Alice. Australia's "new protection." (Outlook. New York, 1908. 8°. Vol. 88, pp. 314–317.)

Hewins, W. A. S. The regulation of wages by the justice of the peace. (Economic Journal. London, 1898. 8°. Vol. 8, pp. 340–346.)

Hoatson, John. Anti-sweating and factory legislation in Victoria. (Westminster Review. London, 1900. 4°. Vol. 154, pp. 398–412.)

Hobhouse, L. T. The right to a living wage. In: Industrial unrest and the living wage. London, [1913]. 12°. pp. 63–75.)

Holcombe, Arthur N. The British Minimum Wage Act of 1909. (Quarterly Journal of Economics. Cambridge, 1910. 8°. Vol. 24, pp. 574–577.)

—— The legal minimum wage in the United States. (American Economic Review. Princeton, N. J., 1912. 8°. Vol. 2, pp. 21–37.)

—— Minimum wage boards. (Survey. New York, 1911. 4°. Vol. 26, pp. 32–33.)

—— What is the minimum wage? (Survey. New York, 1912. 8°. Vol. 29, pp. 74–76.)

Holland, Henry Scott. The living wage and the Kingdom of God. (In: Industrial unrest and the living wage. London, [1913]. 12°. pp. 169–182.)

Hubbard, Elbert. A minimum wage for women. Hearst's Magazine. New York, 1913. 4°. Vol. 23, No. 3, pp. 499–502.)

Hubbard, Evelyn. The minimum wage, past and present. (Economic Journal. London, 1912. 4°. Vol. 22, pp. 303–309.)

Hubert-Valleroux, Paul. Le minimum légal de salaire. (Réforme Sociale. Paris, 1895. 4°. Série 3, tome 10, pp. 302–322.)

Hutchins, Miss B. L. Home work and sweating; the causes and the remedies. London: The Fabian Society, 1908. 19(1) p. 8°. (Fabian Society, London. Fabian Tract. No. 130.)
Bibliography, p. 19.

—— The regulation of wages by gilds and town authorities. (Economic Journal. London, 1900. Vol. 10, pp. 404–411.)

Industrial, The, unrest and the living wage; being a series of lectures . . . given at the inter-denominational summer school held at Swanwick, Derbyshire, June 28th–July 5th, 1913. With an introduction by the Rev. W. Temple. London: The Collegium, [1913]. 182 pp., 1 l. 12°. (Converging views of social reform. No. 2.)

Isaac, Auguste. Le salaire minimum des ouvriéres à domicile. (Reforme sociale. Paris, 1913. 8° [Série 7, tome 6], tome 66, pp. 177–188, 284–296.)

Kelley, Florence. Forestalling shirtwaist strikes. (Survey. New York, 1910. 4°. Vol. 23, pp. 577–578.)

—— Minimum-wage boards. (American Journal of Sociology. Chicago, 1911. 8°. Vol. 17, pp. 303–314.)

—— —— (National Conference of Charities and Corrections. Proceedings. Fort Wayne, Ind., 1911. 8°. Session 38, 1911, pp. 148–156.)

—— —— (National Conference of Charities and Correction. Proceedings. Fort Wayne, Ind., 1912. 8°. Session 39, pp. 395–403.)

—— The minimum wage law in Oregon under fire. (Survey. New York, 1914. f°. Vol. 31, pp. 740–741.)

—— Minimum wage laws. (National Conference of Charities and Correction. Proc. Fort Wayne, Ind., 1913. 8°. Sess. 40, pp. 229–234.)

—— Minimum-wage laws. (Journal of Political Economy. Chicago, 1912. 8°. Vol. 20, pp. 999–1010.)

Kelley, Florence. The present status of minimum wage legislation. New York: National Consumers League, [1913]. 7 pp. 8°. Repr.: National Conference of Charities and Correction. 1913.

—— What our official statistics do not tell us. (Survey. New York, 1910. 4°. Vol. 24, pp. 759–762.)

Kellogg, Paul U. Immigration and the minimum wage. American Academy of Political and Social Science. Annals. Baltimore, 1913. 8°. Vol. 48, pp. 66–77.)

—— The minimum wage and immigrant labor. (National Conference of Charities and Correction. Proceedings. Fort Wayne, Ind., 1911. 8°. Session 38, pp. 165–177.)

Kennaday, Paul. Victorian wages boards and the New Zealand conciliation-arbitration act. (Yale Review. New Haven, 1910. 8°. Vol. 19, pp. 32–54.)

—— —— (New Zealand.— Labour Department. Journal. Wellington, 1910. Vol. 18, 1910, pp. 738–758.)

Kentucky.— Commission to Investigate Conditions of Working Women in Kentucky. Report of the Commission to Investigate the Conditions of Working Women in Kentucky. Louisville, 1911. 55 pp. 4°.

Klien, Ernst. Minimallohn und Arbeiterbeamtentum. Jena: G. Fischer, 1902. 4 p.l., 232 pp. 8°. (Staatswissenschaftliches Seminar zu Jena. Abhandlungen. Bd. 1. Heft 2.)

Lagasse, Ch. Le minimum de salaire. Communication faite le 26 mars à la Société belge d'économie sociale. (Réforme sociale. Paris, 1892. Série 3, tome 3, pp. 565–576.)

Lanessan, J. L. de. La réglementation des salaires. (Revue Scientifique. Paris, 1904. 4°. Série 5, Vol. 1, pp. 355–360.)

Laughlin, Clara E. Minimum wages. (Pearson's Magazine. New York, 1912. 4°. Vol. 28, No. 2, pp. 9–17.)

Laughlin, James Laurence. Monopoly of labor. (Atlantic Monthly. Boston, 1913. 8°. Vol. 112. pp. 444–453.)

Lee, Joseph. What the minimum wage means to workers; a criticism. (Survey. New York, 1913. f°. Vol. 31, No. 6. pp. 156–157.)

Lees Smith, H. B. Economic theory and proposals for a legal minimum wage. (Economic Journal. London, 1907. 4°. Vol. 17, pp. 504–512.)

Lefébure, Ernest. Le minimum de salaire pour les femmes. (Correspondant. Paris, 1909. 4°. Tome 234, pp. 1172–1190.)

Le Foyer, Lucien. Le minimum de salaire en Belgique. (Réforme Sociale. Paris, 1897. 4°. Série 4, tome 3, pp. 481–491, 539–565.)

Legislative regulation of wages and terms of contract. (Australia. Census and Statistics Bureau. Official year book. Melborne, 1912. 8°. No. 5. pp. 1056–1068.)

Lennard, Reginald. Agricultural labourers and a minimum wage. (Economic Review. London, 1912. 8°. Vol. 22, pp. 367–379.)

Leroy, Jean. La question du minimum de salaire dans l'industrie à domicile en Allemagne. (Revue d'économie politique. Paris, 1909. 4°. Année 23, pp. 806–814.)

Levy, J. A. Minimum-loonbeweging. (De economist. 's-Gravenhage, 1914. 8°. Jaarg. 63, pp. 10–20, 75–92.)

Lewis, William Draper. The proposed Pennsylvania minimum wage act. (American Academy of Political and Social Science. Annals. Baltimore, 1913. 8°. Vol. 48, pp. 37–40.)

Lindsay, Samuel McCune. The minimum wage as a legislative proposal in the United States. (American Academy of Political and Social Science. Annals. Baltimore, 1913. 8°. Vol. 48, pp. 45–53.)

Living, A, wage. [The right of an individual. The amount of the living wage. "Fair wages" in Canada. Minimum wage boards in Australasia.] (Massachusetts. Labor Bulletin. Boston, 1906. 8°. Vol. 10, pp. 425–446.)

Lloyd, Henry Demarest. A living wage by law. (Independent. New York, 1900. 8°. Vol. 52, part 2, pp. 2330–2332.)

Longe, F. D. The coal strike and a minimum wage. (Economic Journal. London, 1894. 4°. Vol. 4, pp. 25–34.)

Low, Sidney, Anti-strike legislation in Australasia. (Fortnightly Review. London, 1912. 8°. New series, Vol. 91, pp. 585–598.)

Lyttelton, E. Wages boards. (Contemporary Review. London, 1909. 4°. Vol. 95, pp. 227–239.)

McArthur, Ellen A. The regulation of wages in the sixteenth century. (English Historical Review. London, 1900. 8°. Vol. 15, pp. 445–455.)

McCabe, David Aloysius. The standard rate in American trade unions. Baltimore, 1912. vii, 9–252 pp. 8°.

MacDonald, James Ramsay. Arbitration courts and wages boards in Australasia. Contemporary Review. London, 1908. 4°. Vol. 93, pp. 308–325.)

—— Sweating and wages boards. (Nineteenth Century. London, 1908. 4°. Vol. 64, pp. 748–762.)

MacDonald, Margaret E. Sweated industries and wages boards. (Economic Journal. London, 1908. 4°. Vol. 18, pp. 140–145.)

Mackay, Thomas. Sweated industries and the minimum wage. An address to the British Constitution Association. London: P. S. King & Sons, 1909. 23 (1) p. 12°.

McKelway, A. J. Child labor and the minimum wage. (National Conference of Charities and Correction. Proc. Fort Wayne, Ind., 1913. 8°. Sess. 40, pp. 246–248.)

Macrosty, Henry W. The recent history of the living wage movement. (Political Science Quarterly. New York, 1898. 8°. Vol. 13, pp. 413–441.)

Macrosty, Henry W. State arbitration and the minimum wage in Australasia. (Political Science Quarterly. Boston, 1903. 8°. Vol. 18, pp. 112–140.)

—— Wage boards in Victoria. (New Liberal Rev. London, 1903. Vol. 5, pp. 90–100.)

McSweeney, Edward F. The case against the minimum wage by Edw. F. McSweeney, before the fifth meeting of the executive council of 1911–1912, Massachusetts State Board of Trade. February 14, 1912. [Boston] 1912. 23 p. 8°.

Mahaim, Ernest. Die Regelung der Heimarbeit [in Belgium]. (Annalen für soziale Politik und Gesetzgebung. Berlin, 1913. 8°. Bd. 2, pp. 119–131.)

Main provisions of minimum wage laws in the United States. Table. (American labor legislation review. New York, 1913. 8°. Vol. 3, No. 3. pp. 434–437.)

Mallon, J. J. Sweating and the Trade Boards Act. Illus. (Progress. London, 1912. 8°. Vol. 7, pp. 157–169.)

—— Extending the Trade Boards act. London: National Anti-Sweating League, [191–]. 10 pp. 8°.

—— The legal minimum wage at work. (New Statesman. London, 1914. f°. Vol. 2, No. 46, Suppl. p. x–xii.)

—— Minimum wage in practice. (In: Industrial unrest and the living wage. London, [1913]. 12°. pp. 143–155.)

—— The work of the trade boards. (National Conference on the Prevention of Destitution. Papers and proceedings. London, 1912. 8°. Conference 2, 1912, pp. 402–408.)

Markham, Arthur B. The coal strike. (Quarterly Review. London, 1912. 8°. Vol. 216, p. 554–573.)

Marks, Marcus M. The high-minimum wage; the evils of artificial classifications of labor. (Cassier's Magazine. New York, 1904. 4°. Vol. 25, pp. 227–230.)

—— Relations between the employer and the employed. (National Retail Dry Goods Association. Bulletin on the minimum

wage. [New York], 1914. 4°. Vol. 2, special No. 11. pp. 3–4.)

Mason, Fred. B. The principle of a *justum pretium* for labour. (Economic Review. London, 1904. 8°. Vol. 14, pp. 188–201.)

Massachusetts. Minimum Wage Commission. Report of the Commission on Minimum Wage Boards. January, 1912. Boston: Wright & Potter Prtg. Co., 1912. 326 pp. 8°. (Massachusetts. General Court, 1912. House doc. 1697.)

Massachusetts and the minimum wage. (Survey. New York, 1912. 4°. Vol. 27, pp. 1663–1665.)

Mény, G. Les expériences anglaises du minimum de salaire. (Revue générale. Bruxelles, 1913. 8°. Vol. 97, pp. 329–338.)

—— Le travail à domicile; ses misères, les remèdes. Paris: M. Rivière et Cie., 1910. 2 p.l. (1)4–463(1) p. 4°. (Systèmes et faits sociaux.)
Bibliography, pp. 423-440.

Mercier, Georges. Le minimum de salaires. Lyon: A. Fey, 1912. 3 p.l., 154 pp. 4°.
Bibliography, pp. 148-151.

Métin, Albert. Le minimum de salaire à Melbourne. (In his: Le socialisme sans doctrines. Paris, 1901. 8°. pp. 134–146.)

—— Le minimum de salaire par les conseils spéciaux. (In his: Le socialisme sans doctrines. Paris, 1910. 8°. pp. 168–183.)

—— Le salaire minimum par l'arbitrage obligatoire. (In his: Le socialisme sans doctrines. Paris, 1910. 8°. pp. 184–218.)

Meyer, Adele Levis, lady, and C. Black. Makers of our clothes; a case for trade boards; being the results of a year's investigation into the work of women in London in the tailoring, dressmaking, and underclothing trades, by Mrs. Carl Meyer and C. Black. London: Duckworth & Co., 1909. xv, 304 pp. 8°.

Michigan. State Library. Legislative Reference Department. Laws of the various states relating to a minimum wage for women and minors. Lansing: Wynkoop-Hallenbeck-Crawford Co., 1913. 37 pp., 1 table. 8°. (Bulletin, No. 5.)

Millis, H. A. Some aspects of the minimum wage. (Jour. of Political Economy. Chicago, 1914. 8°. Vol. 22. pp. 132–159.)

Milwaukee (Wis.). Economy and Efficiency Bureau. Proposed minimum wage law for Wisconsin. Wage boards in Australia and England. The proposed law. Women's wages in Milwaukee. Constitutionality of the proposed law. [Milwaukee: C. H. Kronenberger & Co., 1911.] 18 pp. pap. 8°. (Bull. 4.)

Minimum, The, coal-wage bill. (Economist. London, 1912. f°. Vol. 74, pp. 619–620.)

Minimum, The, wage. (Independent. New York, 1902. 4°. Vol. 54, part 3, pp. 2373–2375.)

Minimum, The, Wage Act; a substantial review of the text of the British coal mine act. (Engineering Magazine. New York, 1912. 4°. Vol. 43, pp. 451–453.)
Repd.: The Colliery Guardian.

Minimum, The, wage bill. (Engineering: an illustrated weekly journal. London, 1912. f°. Vol. 93, pp. 387–388.)

Minimum wage discussed by retail associations. (Survey. New York, 1913. 4°. Vol. 30, No. 8, pp. 260–261.)

Minimum wage by law. (Independent. New York, 1911. 4°. Vol. 70, pp. 806–807.)

Minimum wage law for Massachusetts. (Survey. New York, 1912. 4°. Vol. 28, pp. 454–455.)

Minimum wage law upheld in Oregon. (Survey. New York, 1913. 4°. Vol. 31, pp. 191.)

Minimum, The, wage problem. (Independent. New York, 1912. 4°. Vol. 72, pp. 584–585.)

Minimum wages and the Massachusetts press. (Survey. New York, 1912. 4°. Vol. 28, pp. 313–314.)

"Minimum, The, wage" from a new angle. (Literary Digest. New York, 1913. f°. Vol. 46, No. 14, pp. 774–775.)

Minimum, The, wage in Yorkshire. (Electrical Review. London, 1914. 4°. Vol. 74, pp. 601–602.)

Minimum, Le, de salaire dans l'industrie à domicile. Rapporteurs: B. Raynaud, le Comte de Mun, l'Abbé Mény. Compte rendu des discussions. Voeux adoptés. Paris: F. Alcan, 1912. 319 pp., 1 table. 12°. (Association nationale française pour la protection légale des travailleurs.)

Mitchell, John. The wage earners and the minimum wage for women and children. (In his: The wage earner and his problems. Washington, 1913. 8°. pp. 90–104.)

Moore, Harrison. The living wage in the Australian arbitration court. (Society of Comparative Legislation. Journal. London, 1912. 8°. New series, Vol. 12, pp. 202–208.)

Moore, S. C. The Trades Board act at work. (Economic Journal. London, 1913. 8°. Vol. 23, No. 91. pp. 442–447.)

National Anti-Sweating League. Report of conference on a minimum wage, held at the Guild hall, London, Oct. 24th, 25th, and 26th, 1906. London: Co-operative Printing Soc., Ltd., 1907. 97 pp. 8°.

New South Wales. Statutes. Minimum Wage Act, 1908. (United States. Labor Bureau. Bulletin. Washington, 1909. 8°. Vol. 18, No. 80, pp. 86–87.)

O'Hara, Edwin V. The minimum wage. Legislative aspects. (Catholic University Bull. Washington, 1914. 8°. Vol. 20, pp. 200–210.)

—— An open letter on the extent of the powers of the Industrial Welfare Commission and the tendency of its rulings. n. p., 1913. 2 l. 12°.

Repr. Morning Oregonian, Nov. 16, 1913.

—— Welfare legislation for women and minors. Portland, [1913]. 6 l. 8°. Bound with Consumers' League of Oregon. Social Survey Committee. Report. Portland, 1913. 8°.

Oregon. Courts. Circuit Court. Frank C. Stettler, plaintiff vs. Edwin O'Hara, Bertha Moores and Amedee M. Smith, constituting the Industrial Welfare Commission of the State of Oregon, defendants. Opinion of Hon. T. J. Cleeton . . . sustaining the demurrer of the defendants to the complaint. Portland: Glass and Proudhomme Co., [1913?]. 11 pp. 8°.

Oregon. Industrial Welfare Commission. Order No. 1–5. (1913.)

O'Toole, John L. A minimum wage for workers. (City Club of Philadelphia. City Club bulletin. Philadelphia, 1913. 8°. Vol. 6, pp. 205–209.)

Papworth, L. Wyatt, and D. M. Zimmern. Clothing and textile trades: summary tables. With a preface by Sir A. Baines, and an introduction by B. L. Hutchins. London: Women's Industrial Council, 1912. 12 pp. 10 l. 8°.

Parry, G. A. Two labour remedies. (Westminister Review. London, 1909. 8°. Vol. 172, pp. 623–631.)

Pease, Edw. R. State regulation of wages. (International; a review of the world's progress. London, 1909. 4°. Vol. 5, pp. 95–100.)

Pégard, Pierre. Salaires de famine. (Revue d'économie politique. Paris, 1911. 8°. Tome 25, pp. 477–492.)

Perils of the minimum wage. (Century. New York, 1912. 4°. Vol. 84, pp. 311–313.)

Phelan, Raymond V. Minnesota minimum wage law. 1913. (Amer. Economic Review. Princeton, 1913. 8°. Vol. 3, pp. 989–990.)

Phelps, L. R. The plea for a living wage. (Economic Review. London, 1894. 8°. Vol. 4, pp. 519–525.)

Pic, P. Le minimum légal de salaire dans l'industrie privée; expériences australiennes et anglaises. Projets français. (Revue politique et parlementaire. Paris, 1912. 8°. Tome 73, pp. 409–429.)

Picht, Werner. Das gesetzliche Lohnminimum in England. (Zeitschrift für Volkswirtschaft, Sozialpolitik und Verwaltung. Wien, 1913. 8°. Bd. 22, pp. 703–746.)

Pigou, A. C. The principle of the minimum wage. (Nineteenth century and after. London, 1913. 8°. Vol. 73, pp. 644–658.)

—— A minimum wage for agriculture. (Nineteenth century and after. London, 1913. 8°. Vol. 74, pp. 1167–1184.)

Pirou, Gaëtan. Intervention légale et contrat collectif du travail. (Revue d'économie politique. Paris, 1913. 8°. Tome 27, pp. 733–763.)

Powers to fix minimum wage. (Survey. New York, 1911. 4°. Vol. 25, pp. 864–865.)

Progressive Party. State of New York. Statement as to the official proposal of the National Progressive Party in the State of New York for a minimum wage act (also containing the text of the party's official bill.) New York, 1913. 14 pp. 8°.

Pumpiansky, L. Das Mindestlohngesetz im englischen Kohlenbergbau. (Archiv für Sozialwissenschaft und Sozialpolitik. Tübingen, 1912. 8°. Bd. 35, pp. 177–194.)

Question, The, of a maximum wage. (Outlook. New York, 1913. 8°. Vol. 73, pp. 721–723.)

Rankin, Mary Theresa. Legislation and the living wage abroad. (In: Industrial unrest and the living wage. London, [1913]. 12°. pp. 129–152.)

Raynaud, Barthélemy. Vers le salaire minimum; étude d'économie et de législation industrielles. Paris: L. Larose and L. Tenin, 1913. 2 p.l., xi, 518 pp. 8°. (Bibliothèque d'économie politique & de sociologie. vi.)

Reely, Mary Katharine. Selected articles on minimum wage, compiled by M. K. Reely. Minneapolis: H. W. Wilson Co., 1913. 48 pp. 12°. (Abridged debater's handbook series.)

Reeves, William Pember. The minimum wage law in Victoria and South Australia. (In his: State experiments in Australia and New Zealand. London, 1902. 8°. Vol. 2, pp. 47–69.)

—— —— (Economic Journal. London, 1901. 8°. Vol. 11, pp. 334–344.)

Renauld, J. F. Le minimum légal de salaire en Angleterre. (Grande Revue. Paris, 1910. 4°. Vol. 64, pp. 148–153.)

Richardson, Thomas, and J. A. Walbank. Profits and wages in the British coal trade (1898 to 1910). Newcastle-upon-Tyne: the N. A. C. C. [1911]. 96 pp. 12°.

Robert, Jeanne. Woman and the wage question. (American Review of Reviews. New York, 1912. 4°. Vol. 45, pp. 439–442.)

Roosevelt, Theodore. The minimum wage. (Outlook. New York, 1912. 4°. Vol. 102, pp. 159–160.)

Russell, Thomas Herbert. The girl's fight for a living; how to protect working women from dangers due to low wages. An impartial survey of present conditions, results of recent investigations, and remedies proposed. With statements by B. O'Hara, E. Beall, employers and governors of many states. Chicago: M. A. Donohue & Co., [1913]. 200 pp., 7 pl., 1 port. 12°.

Ryan, John Augustine. British miners and the minimum wage. (Survey. New York, 1912. 4°. Vol. 28, pp. 10–11.)

—— The employer's obligation to pay a living wage. (Catholic World. New York, 1903. 8°. Vol. 77, pp. 44–59.)

—— The laborer's right to a living wage. (Catholic University Bulletin. Lancaster, Pa., 1902. 8°. Vol. 8, pp. 156–174.)

—— A living wage; its ethical and economic aspects. With an introduction by R. T. Ely. New York: The Macmillan Co., 1906. xvi, 346 pp. 12°.

—— A living wage: presumptions and authorities. (Catholic University Bulletin. Washington, D. C., 1906. 8°. Vol. 11, pp. 126–151.)

Ryan, John Augustine. Minimum wage legislation. (Catholic World. New York, 1913. 8°. Vol. 96, pp. 577–586.)

—— Minimum wage legislation. (In: Minnesota Academy of Social Sciences. Papers and proceedings of annual meeting, [No.] 6. [Minneapolis], 1913. 8°. pp. 110–137.)

—— A minimum wage and minimum wage boards; with especial reference to immigrant labor and woman labor. (National Conference of Charities and Correction. Proceedings. Fort Wayne, Ind., 1910. 8°. Vol. 37, pp. 457–475.)

—— Minimum wages and minimum wages boards. (Survey. New York, 1910. 4°. Vol. 24, pp. 810–822.)

—— What wage is a living wage? (Catholic World. New York, 1902. 8°. Vol. 75, pp. 2–16.)

Ryan, John Augustine, and others. Minimum wage and immigration restriction. (Survey. New York, 1911. 4°. Vol. 25, pp. 789–792.)

Sachse, J. Gesetzlicher Minimallohn und Streikrecht. (Neue Zeit; Wochenschrift der deutschen Sozialdemokratie. Stuttgart, 1913. Jahrg. 31, Bd. 2. 8°. pp. 317–322.)

Schwiedland, E. Obligatorische Mindestlöhne in Victoria. (Jahrbücher für Nationaloekonomie und Statistik. Jena, 1898. 8°. Serie 3, Vol. 16, pp. 483–494.)

Seager, Henry Rogers. The minimum wage as part of a program for social reform. (American Academy of Political and Social Science. Annals. Baltimore, 1913. 8°. Vol. 48, pp. 3–12.)

—— The theory of the minimum wage. (American Labor Legislation Review. New York, 1913. 8°. Vol. 3, pp. 81–91.)

Shann, George. The effect of the non-living wage upon the individual, the family, and the state. (In: Industrial unrest and the living wage. London, [1913]. 12°. pp. 87–105.)

Sies, Raymond W. Comparative study of minimum salary legislation. (Educational Review. Rahway, N. J., 1908. 8°. Vol. 35, pp. 285–299.)

—— Legal regulation of minimum salaries for teachers. (Educational Review. Rahway, N. J., 1908. 8°. Vol. 35, pp. 10–21.)

Slater, Gilbert. Trade unionism and the living wage. (In: Industrial unrest and the living wage. London, [1913]. 12°. pp. 106–116.)

Smith, Constance. The case for wages boards. London: The National Anti-Sweating League [1913]. 2 p.l., (i) iv–viii, 94 pp. 12°.

—— Das Lohnämtergesetz. (Anallen für soziale Politik und Gesetzgebung. Berlin, 1912. 8°. Bd. 2, pp. 369–381.)

—— The minimum wage. (In: Woman in industry from seven points of view. London, 1908. 12°. pp. 25–59.)

—— Wage movements in other countries. (In: Industrial unrest and the living wage. London, [1913]. 12°. pp. 156–168.)

Smith, E. J. A living profit and a living wage. (Forum. New York, 1900. 8°. Vol. 28, pp. 548–553.)

Snowden, Philip. The living wage. With a preface by H. Spender. London: Hodder and Stoughton [1913]. 2 p.l., (i)viii–xvi, 189 pp. 12°.

Soulé. Examen du rapport déposé par M. Honoré à la session du conseil supérieur du Travail sur le salaire minimum des femmes, travaillant à domicile. (Bulletin de Chambre de commerce de Paris. Paris, 1911. 4°. année 18, pp. 699–706.)

State arbitration and the living wage. With an account of the New Zealand law and its results. June, 1898. London: Fabian Society, 1898. 15 pp. 8°. (Fabian Society. Tracts. No. 33.)

Stimson, Frederic Jesup. Popular law making; a study of the origin, history, and present tendencies of law-making by statute. New York: C. Scribner's Sons, 1910. xii p., 1 l., 390 pp. 8°.
See index under wages.

Streightoff, Frank Hatch. The living wage. (In his: The standard of living among the industrial people of America. Boston, 1911. 8°. pp. 154–162.)

Success, The, of a minimum wage. (American Review of Reviews. New York, 1913. 4°. Vol. 47, No. 2, pp. 216–217.)

Sweated industries and the minimum wage. (Quarterly Review. London, 1909. 8°. Vol. 210, pp. 67–85.)

Sweated labour. (In: Carlton Huntley Hayes, British social politics; materials illustrating contemporary state action for the solution of social problems. Boston [cop. 1913]. 12°. pp. 217–262.)

Tarde, Alfred de. Le juste salaire. (In his: L'idée de juste prix. Paris, 1907. 4°. pp. 263–305.)

Tawney, R. H. The assessment of wages in England by the justices of the peace. (Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte. Berlin, 1913. 8°. Bd. 11. pp. 307–337, 533–564.)

Thomas, Harold. A living wage. (Westminster Review. London, 1896. 8°. Vol. 145, pp. 297–300.)

Three states consider minimum wage boards. (Survey. New York, 1911. 4°. Vol. 25, pp. 815–816.)

Tuckwell, Gertrude. A minimum wage. (Independent Review. London, 1906. 8°. Vol. 11, pp. 297–304.)

—— Sweated industries and a minimum wage. (St. George. London, 1907. 8°. Vol. 10, pp. 28–38.)

Union of South Africa. Economic Commission. The question of legal minimum wages and allied questions. (In: Same. Report. January, 1914. Pretoria, 1914. f°. pp. 41–46.)

Urwick, E. J. The standard of life. (In: Industrial unrest and the living wage. London, [1913]. 12°. pp. 39–55.)

Verhaegen, Pierre. Le minimum légal de salaire. (In his: Travail à domicile et sweating-system. Bruxelles, 1912. 12°. pp. 93–130.)

Vice, The, investigation by the Illinois senate. Nation wide attention to vice and low wages. (Survey. New York, 1913. 4°. Vol. 29, No. 26, pp. 897–898.)

W. Gesetzliche Lohnregulierung und Zwang zur Einführung von Tarifverträgen für die Grossindustrie? (Stahl u. Eisen. Düsseldorf, 1910. 4°. Jahrg. 30, pp. 1341–1344.)

Wallace, Alfred Russel. The revolt of democracy. With the life story of the author. By J. Marchant. London: Cassell & Co., Ltd., 1913. xlv, 82 pp.. l. 1., 1 pl., 1 port. 8°.

Walpole, Robert S. The true basis of the living wage, and other articles on Australian industrial legislation. [Melbourne: Renwick, Pride, Nuttall, 1912.] 31 (1) pp. 8°.
Repr.: Public Opinion.

Warbasse, Bertha Bradley. A reply to the critics of minimum wage legislation. (Survey. New York, 1914. 4°. Vol. 32, pp. 57–58.)

Webb, Beatrice Potter. Socialism and national minimum, by Mrs. Sidney Webb, Miss B. L. Hutchins, and the Fabian Society. London: A. C. Fifield, 1909. 91 pp. 12°. (Fabian Soc. Fabian Socialist series, No. 6.)

Webb, Sidney. The economic theory of a legal minimum wage. (Journal of Political Economy. Chicago, 1912. 8°. Vol. 20, pp. 973–998.)

Webb, Sidney, and Beatrice Webb. How to do away with the sweating system. (In their: Problems of modern industry. London, 1898. 8°. pp. 139–155.)

—— The national minimum. (In their: Industrial democracy. London, 1897. 8°. pp. 766–795.)

Whittaker, Thomas P. A minimum wage for home workers. (Nineteenth Century. London, 1908. 4°. Vol. 64, pp. 507–524.)

Wicksteed, Rev. Philip H. The distinction between earnings and income, and between a minimum wage and a decent maintenance: a challenge. (In: Industrial unrest and the living wage. London, [1913]. 12°. pp. 76–86.)

Wisconsin Consumers' League. Proposed minimum wage law for Wisconsin. Bill, 317 S., introduced by Senator Kleczka, and 799 A., introduced by Assemblyman Stern. Prepared for the . . . league under the direction of J. R. Commons. [Milwaukee?] 1911. 18 pp. 8°.

Wise, B. R. The industrial arbitration act of New South Wales. (National Review. London, 1902. 8°. Vol. 39, pp. 880–896.)

Wise, E. F. Wage boards in England. (American Economic Review. Princeton, 1912. 4°. Vol. 2, pp. 1–20.

Wood, Arthur E. The problem of the worker who is unable to earn the legal minimum wage. (National Conference of Charities and Correction. Proc. Fort Wayne, Ind., 1913. 8°. Sess. 40, pp. 234–246.)

Wright, Thomas. Sweated labour and the Trade Boards Act, edited by the Rev. Thomas Wright. London: P. S. King & Son, 1911. xi, 69 pp. 8°. (Catholic Social Guild. Catholic studies in social reform. [No.] 2.)

Zetterbaum, Max. Zur Frage des Minimallohns. (Neue Zeit. Stuttgart, 1902. 8°. Jahrg. 20, Bd. 1, pp. 675–684, 718–722.)

—— Nochmals die Frage des Minimallohns. (Neue Zeit. Stuttgart, 1902. 8°. Jahrg. 20, Bd. 2, p. 832.)

Zimmern, Dorothy M. The trade boards: their determinations and proposals. Table. (Women's Industrial News. London, 1913. 8°. n. s., No. 56. pp. 12–14.)

Zwiedineck-Suedenhorst, Otto von. Lohnpolitik und Lohntheorie, mit besonderer Berücksichtigung des Minimallohnes. Leipzig: Duncker & Humblot, 1900. xiv, 410 pp. 8°.

—— Das Problem des Minimallohnes im Lichte der christlichsocialen Literatur katolischer Richtung. (Zeitschrift für Volkswirtschaft, Socialpolitik und Verwaltung. Wien, 1900. 4°. Bd. 9, pp. 182–198.)

APPENDIX V

PROPOSED RECODIFICATION OF THE LABOR LAW.

Prepared with the assistance of the Legislative Bill Drafting Bureau of Columbia University.

PROPOSED RECODIFICATION OF THE LABOR LAW.

AN ACT

To amend the Labor Law, generally, and to amend the Education Law, the General Corporation Law and the Partnership Law, by transferring thereto certain sections of the Labor Law, and to amend the Penal Law, in relation to penalties for violations of the provisions of the Labor Law, and to enact a new chapter of the Consolidated Laws by transferring thereto the present provisions of the Labor Law relating to employers' liability.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," as amended, is hereby further amended to read as follows:

CHAPTER XXXI OF THE CONSOLIDATED LAWS.

LABOR LAW.

[Article 1. Short title; definitions. (§§ 1–2.)
2. General provisions. (§§ 3–22.)
3. Department of labor. (§§ 40–48.)
3a. Industrial board. (§§ 50–52.)
4. Bureau of inspection. (§§ 53–61.)
5. Bureau of statistics and information. (§§ 62–65.)
6. Factories. (§§ 68–69a.)
7. Tenement-made articles. (§§ 100–106.)
8. Bakeries and confectioneries. (§§ 110–117.)
9. Mines, tunnels and quarries and their inspection. (§§ 119–136.)

EXPLANATION — Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

10. Bureau of mediation and arbitration. (§§ 140–148.)
11. Bureau of industries and immigration. (§§ 151–156a.)
12. Employment of women and children in mercantile establishments. (§§ 160–173.)
13. Convict-made goods and duties of commissioner of labor relative thereto. (§§ 190–195.)
14. Employer's liability. (§§ 200–212.)
14a. Workmen's compensation in certain dangerous employments. (§§ 215–219g.)
15. Employment of children in street trades. (§§ 220–227.)
16. Laws repealed; when to take effect. (§§ 240–241.)]

Article

1. *Short title; definitions.* (§§ *1–3.*)
2. *The department of labor.* (§§ *10–91.*)
3. *General provisions.* (§§ *95–103.*)
4. *Employment of children and females.* (§§ *105–120.*)
5. *Hours of labor.* (§§ *125–143.*)
6. *Payment of wages.* (§§ *145–147.*)
7. *Public work.* (§§ *150–154.*)
8. *Employment agencies and immigrant lodging-houses.* (§§ *160–165.*)
9. *Building construction and repair work.* (§§ *170–172.*)
10. *Factories.* (§§ *175–226.*)
11. *Bakeries and manufacture of food products.* (§§ *235–243.*)
12. *Tenement-made articles.* (§§ *250–266.*)
13. *Mercantile establishments.* (§§ *300–315.*)
14. *Mines, tunnels and quarries; employment in compressed air.* (§§ *330–357.*)
15. *Violations and penalties.* (§§ *370–371.*)
16. *Laws repealed.* (§§ *375–376.*)

ARTICLE 1.

SHORT TITLE; DEFINITIONS.

Section 1. Short title. This chapter shall be known as the "Labor Law."

§ 2. Definitions. *1. Whenever used in this chapter:*

[Employee.] The term "employee," [when used in this chapter,] means a mechanic, workingman or laborer who works for another [for hire].

[Employer.] The term "employer," [when used in this chapter,] means the person employing any such mechanic, workingman or laborer, whether the owner, proprietor, agent, superintendent, foreman or other subordinate.

[Factory; work for a factory.] The term "factory," [when used in this chapter, shall be construed to] includes any mill, workshop, or other manufacturing or business establishment and all buildings, sheds, structures or other places used for or in connection therewith, where one or more persons are employed at labor, except power houses, *generating plants,* barns, storage houses, sheds and other structures *owned or operated by a public service corporation or* used in connection with railroad *or other public service* purposes, other than construction or repair shops, subject to the jurisdiction of the public service commission under article three of the public service commissions law.

[Work shall be deemed to be done for a factory within the meaning of this chapter whenever it is done at any place, upon the work of a factory or upon any of the materials entering into the product of the factory, whether under contract or arrangement with any person in charge of or connected with such factory directly or indirectly through the instrumentality of one or more contractors or other third persons.]

[Factory building.] The term "factory building," [when used in this chapter,] means any building, shed or structure which, or any part of which, is occupied by or used for a factory.

[Mercantile establishment.] The term "mercantile establishment," [when used in this chapter,] means any place where goods, wares or merchandise are offered for sale.

[Tenement house. The term "tenement house," when used in this chapter, means any house or building, or portion thereof, which is either rented, leased, let or hired out, to be occupied, or is occupied in whole or in part as the home or residence of three families or more living independently of each other, and doing their cooking upon the premises, and includes apartment houses, flat houses and all other houses so occupied, and for the purposes of this chapter shall be construed to include any building on the same lot with any such tenement house and which is used for any of the purposes specified in section one hundred of this chapter.]

The term "department" means the department of labor of the state of New York.

The term "commissioner" means the commissioner of labor of the state of New York.

The term "rule" means any rule, regulation or order made by the industrial board and any amendment or repeal thereof.

2. Prohibited employment. Whenever the provisions of this chapter prohibit the employment of a person in certain work or under certain conditions, the employer shall not permit, suffer or allow such person to so work, either with or without compensation, and in a prosecution or action therefor lack of consent or knowledge on the part of the employer shall be no defense.

3. Work for a factory. Work shall be deemed to be done for a factory within the meaning of this chapter whenever it is done at any place, upon the work of a factory or upon any of the materials entering into the product of the factory, whether under contract or arrangement with any person in charge of or connected with such factory directly or indirectly through the instrumentality of one or more contractors or other third persons.

ARTICLE [3]2.

THE DEPARTMENT OF LABOR.

[Section 41. Commissioner of labor.
41. Deputy commissioners.
42. Bureaus.
43. Powers.
44. Salaries and expenses.
45. Branch offices.
46. Reports.
47. Old records.
48. Counsel.]

TITLE I. ORGANIZATION.

Section 10. Commissioner of labor.
11. Appointment and removal of subordinate officers and assistants; salaries.
12. Industrial board, appointment and salaries.
13. Industrial board, secretary and assistants.
14. Bureaus.
15. Branch offices.
16. Expenses.

TITLE II. INDUSTRIAL BOARD; POWERS AND DUTIES.

Section 20. Meetings of board.
21. Investigations.
22. Enactment of rules.
23. Procedure; industrial code.
24. Special rules for dangerous trades.

TITLE III. COMMISSIONER OF LABOR; POWERS AND DUTIES.

Section 30. General duty to enforce labor laws.
31. Power to enter and inspect premises.
32. Examination of books and papers.
33. Inspectors' reports to be in writing.
34. Duty to furnish information and facilitate department's inspections.
35. Interference with department prohibited.
36. Service of notice.
37. Reissuance of revoked licenses.

38. Commissioner to keep record and publish bulletin of licenses.
39. Blanks to be prepared.
40. Annual report.
41. Seal.
42. Badges.
43. Destruction of old records.
44. Department's process to be in commissioner's name.
45. Oaths and affidavits.
46. Hearings and subpoenas.
47. Proceedings before deputies or assistants.
48. Rules covering hearings.

TITLE IV. SUBORDINATE OFFICERS; POWERS AND DUTIES.

Section 55. Powers and duties of deputies.
56. Duties of counsel.

TITLE V. BUREAU OF INSPECTION.

Section 60. Bureau of inspection; divisions.
61. Inspector general.
62. Factory inspection districts; chief factory inspectors.
63. Supervising factory inspectors.
64. Factory inspection subdistricts.
65. Special factory inspectors.
66. Assignment of factory inspectors.
67. Division of mercantile inspection.
68. Mercantile inspection districts.
69. Special mercantile inspectors.
70. Assignment of mercantile inspectors.
71. Division of homework inspection.
72. Division of industrial hygiene.
73. Section of medical inspection.

TITLE VI. BUREAU OF STATISTICS AND INFORMATION.

Section 75. Bureau of statistics and information; divisions.
76. Powers and duties of divisions.

TITLE VII. BUREAU OF MEDIATION AND ARBITRATION.

Section 80. Bureau of mediation and arbitration.
81. Board of mediation and arbitration.
82. Mediation and investigation.

83. Procedure of board.
84. Arbitration by the board.
85. Decisions of board.
86. Submission of controversies to local arbitrators.
87. Consent; oath; powers of arbitrators.
88. Decisions of arbitrators.

TITLE VIII. BUREAU OF INDUSTRIES AND IMMIGRATION.

Section 90. Bureau of industries and immigration.
91. General powers and duties.

TITLE I. ORGANIZATION.

§ [40] *10.* Commissioner of labor. There shall [continue to] be a department of labor, the head of which shall be the commissioner of labor, who shall be appointed by the governor [by and] with the consent of the senate. [, and who] *The commissioner* shall hold office for [a] *the remainder of the* term of four years beginning on the first day of January of the year in which he is appointed, [. He] *and* shall receive an annual salary of eight thousand dollars. [He shall appoint and may remove all officers, clerks and other employees in the department of labor except as in this chapter otherwise provided.]

§ [54] *11.* [Inspectors] *Appointment and removal of subordinate officers and assistants; salaries.* [There shall be not less than one hundred and twenty-five factory inspectors, not more than thirty of whom shall be women. Such inspectors shall be appointed by the commissioner of labor and may be removed by him at any time. The inspectors shall be divided into seven grades. Inspectors of the first grade, of whom there shall not be more than ninety-five, shall each receive an annual salary of one thousand two hundred dollars; inspectors of the second grade, of whom there shall be not more than fifty, shall each receive an annual salary of one thousand five hundred dollars; inspectors of the third grade, of whom there shall be not more than twenty-five shall each receive an annual salary of one thousand eight hundred dollars; inspectors of the fourth grade, of whom there shall be not more than ten, shall each receive an annual salary of two thousand dollars and shall be attached to the division of industrial hygiene and act as investigators in such division; inspectors of the fifth grade, of whom there shall be not more than nine,

one of whom shall be able to speak and write at least five European languages in addition to English, shall each receive an annual salary of two thousand five hundred dollars, and shall act as supervising inspectors; inspectors of the sixth grade, of whom there shall be not less than three and one of whom shall be a woman, shall act as medical inspectors and shall each receive an annual salary of two thousand five hundred dollars; inspectors of the seventh grade, of whom there shall not be less than four, shall each receive an annual salary of three thousand five hundred dollars; all of the inspectors of the sixth grade shall be physicians duly licensed to practice medicine in the state of New York. Of the inspectors of the seventh grade one shall be a physician duly licensed to practice medicine in the state of New York, and shall be the chief medical inspector; one shall be a chemical engineer; one shall be a mechanical engineer, and an expert in ventilation and accident prevention; and one shall be a civil engineer, and an expert in fire prevention and building construction.

2. Mercantile inspectors. The commissioner of labor may appoint from time to time not more than twenty mercantile inspectors not less than four of whom shall be women and who may be removed by him at any time. The mercantile inspectors may be divided into three grades but not more than five shall be of the third grade. Each mercantile inspector of the first grade shall receive an annual salary of one thousand dollars; of the second grade an annual salary of one thousand two hundred dollars; and of the third grade an annual salary of one thousand five hundred dollars.] *The commissioner shall appoint and may at pleasure remove the following officers and assistants who shall have the qualifications and receive the annual salaries herein stated after their respective names of office:*

1. A first deputy commissioner, who shall be the inspector general, five thousand dollars.

2. A second deputy commissioner, who shall be the chief mediator, forty-five hundred dollars.

3. A counsel, who shall be an attorney and counsellor-at-law of this state, four thousand dollars.

4. Assistants to the counsel, who shall be attorneys and counsellors-at-law of this state, such sum as may be appropriated therefor.

5. A chief statistician, such sum as may be appropriated therefor.

6. A chief investigator, who shall be the head of the bureau of industries and immigration, such sum as may be appropriated therefor.

7. Two chief factory inspectors, each four thousand dollars.

8. A chief mercantile inspector, such sum not exceeding three thousand dollars as may be appropriated therefor.

9. Not less than one hundred and twenty-five factory inspectors, of whom not more than thirty shall be women, divided into seven grades as follows:

a. Not more than ninety-five of the first grade, each twelve hundred dollars.

b. Not more than fifty of the second grade, each fifteen hundred dollars.

c. Not more than twenty-five of the third grade, each eighteen hundred dollars.

d. Not more than ten of the fourth grade, each two thousand dollars.

e. Not more than nine of the fifth grade, one of whom shall be able to speak and write at least five European languages in addition to English, each twenty-five hundred dollars.

f. Not less than three of the sixth grade, one of whom shall be a woman and all of whom shall be physicians duly licensed to practice medicine in this state, each twenty-five hundred dollars.

g. Not less than four of the seventh grade, one of whom shall be a physician duly licensed to practice medicine in this state, one a chemical engineer, one a mechanical engineer and an expert in ventilation and accident prevention, and one a civil engineer and an expert in fire prevention and building construction, each thirty-five hundred dollars.

10. Not more than twenty mercantile inspectors, of whom not less than four shall be women, divided into three grades as follows:

a. The first grade, one thousand dollars.

b. The second grade, twelve hundred dollars.

c. The third grade, of whom there shall be not more than five, fifteen hundred dollars.

11. Such number of special investigators as may be necessary to carry into effect the powers of the bureau of industries and immigration, divided into two grades as follows:

a. The first grade, twelve hundred dollars.
b. The second grade, fifteen hundred dollars.

12. All other officers, clerks, assistants and employees in the department except as in this chapter otherwise provided.

§ [50] *12.* Industrial board; [organization] *appointment and salaries.* [1.] There shall be an industrial board, to consist of the commissioner [of labor,] who shall be chairman [of the board,] and four associate members *who* [The associate members] shall be appointed by the governor [by and] with the consent [and advice] of the senate. Of the associate members first appointed, one shall hold office until December first, nineteen hundred and fourteen, one until December first, nineteen hundred and fifteen, one until December first, nineteen hundred and sixteen, and one until December first, nineteen hundred and seventeen. Upon the expiration of each of said terms, the term of office of each associate member thereafter appointed shall be four years from the first day of December. Vacancies shall be filled by appointment for the unexpired term. The associate members shall each receive [a] *an annual* salary of three thousand dollars [a year] and each of said associate members shall be paid his reasonable and necessary traveling and other expenses while engaged in the performance of his duties in the manner provided in section forty-four of this chapter.

[2. The board shall appoint and may remove a secretary who shall receive a salary to be fixed by the board. The commissioner of labor shall detail, from time to time, to the assistance of the board, such employees of the department of labor as the board may require. In aid of its work, the board is empowered to employ experts for special and occasional services, and to employ necessary clerical assistants. The counsel to the department of labor shall be counsel to the board without additional compensation.

3. The board shall hold stated meetings, at least once a month during the year at the office of the department of labor in the city of Albany or in the city of New York and shall hold other meetings at such times and places as the needs of the public service may require, which meetings shall be called by the chairman or by any two associate members of the board. All meetings of the board shall be open to the public. The board shall keep minutes

of its proceedings showing the vote of each member upon every question and records of its examinations and other official action.]

§ *13. Industrial board; secretary and assistants. The board shall appoint and may remove a secretary and shall fix his salary. In the performance of its duties the board may employ experts for special and occasional services and necessary clerical assistants. The commissioner shall detail, from time to time, to the assistance of the board, such employees of the department as the board may require.*

§ [42] *14.* Bureaus. The department [of labor] shall have [four] *the following* bureaus [as follows]: Inspection; statistics and information; mediation and arbitration; [and] industries and immigration, *and* [There shall be] such other bureaus [in the department of labor] as the commissioner [of labor] may deem necessary. *Each bureau and division of the department and the persons in charge thereof shall be subject to the supervision and direction of the commissioner, and in addition to their respective duties as prescribed by this chapter, shall perform such other duties as may be assigned to them by the commissioner.*

§ [45] *15.* Branch offices. The commissioner [of labor] shall establish and maintain branch offices of the department in [the city of] New York *city* and in such other cities of the state as he may deem advisable. [Such b]*B*ranch offices shall, subject to the supervision and direction of the commissioner [of labor], be in immediate charge of such officials or employees as the commissioner [of labor] may designate. [The reasonable and necessary expenses of such offices shall be paid as are other expenses of the commissioner of labor.]

§ [44] *16.* [Salaries and e]*E*xpenses. All necessary expenses incurred by the commissioner [of labor] *and the industrial board* in the discharge of [his] *their* duties shall be paid by the state treasurer upon the warrant of the comptroller issued upon proper vouchers therefor. The reasonable and necessary traveling and other expenses of the *associate members of the industrial board, the* deputy commissioners, [their assistants,] the [agents and] statisticians, the chief factory inspectors, the factory inspectors, chief investigator, the special investigators, the chief mercantile inspector, mercantile inspectors, and other [field] officers, *clerks, assistants and employees* of the department while engaged in the performance of their duties shall be paid in like manner upon

vouchers approved by the commissioner [of labor] and audited by the comptroller.

[ARTICLE 3-A.] *TITLE II. INDUSTRIAL BOARD; POWERS AND DUTIES.*

[Section 50. Industrial board; organization.
51. Jurisdiction of board.
52. Rules and regulations; industrial code.]

§ *20. Meetings of board. The industrial board shall hold stated meetings, at least once a month at the office of the department in Albany or in New York city, and shall hold other meetings when and where called by the chairman or two members of the board. All meetings of the board shall be open to the public. The board shall keep records of its investigations and other official actions, and minutes of its proceedings showing the vote of each member upon every question.*

§ [51. Jurisdiction of board.]*21. Investigations.* [The board shall have power: (1) To make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter and the rules and regulations made by the board thereunder, and in the course of such investigations, each member of the board and the secretary shall have power to administer oaths and take affidavits. Each member of the board and the secretary shall have power to make personal inspections of all factories, factory buildings, mercantile establishments and other places to which this chapter is applicable.

(2) To subpoena and require the attendance in this state of witnesses and the production of books and papers pertinent to the investigations and inquiries hereby authorized and to examine them in relation to any matter which it has power to investigate, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the board or excused from attendance.

(3) To make, alter, amend and repeal rules and regulations for carrying into effect the provisions of this chapter, applying such provisions to specific conditions and prescribing specific means, methods or practices to effectuate such provisions.

(4) To make, alter, amend or repeal rules and regulations for guarding against and minimizing fire hazards, personal injuries and disease, with respect to (a) the construction, alteration, equip-

ment and maintenance of factories, factory buildings, mercantile establishments and other places to which this chapter is applicable, including the conversion of structures into factories and factory buildings; (b) the arrangement and guarding of machinery and the storing and keeping of property and articles in factories, factory buildings and mercantile establishments; (c) the places where and the methods and operations by which trades and occupations may be conducted and the conduct of employers, employees and other persons in and about factories, factory buildings and mercantile establishments; it being the policy and intent of this chapter that all factories, factory buildings, mercantile establishments and other places to which this chapter is applicable, shall be so constructed, equipped, arranged, operated and conducted in all respects as to provide reasonable and adequate protection to the lives, health and safety of all persons employed therein and that the said board shall from time to time make such rules and regulations as will effectuate the said policy and intent.

§ 52. Rules and regulations; industrial code. 1. The rules and regulations adopted by the board pursuant to the provisions of this chapter shall have the force and effect of law and shall be enforced in the same manner as the provisions of this chapter. Such rules and regulations may apply in whole or in part to particular kinds of factories or workshops, or to particular machines, apparatus or articles; or to particular processes, industries, trades or occupations; and they may be limited in their application to factories or workshops to be established, or to machines, apparatus or other articles to be installed or provided in the future.

2. At least three affirmative votes shall be necessary to the adoption of any rule or regulation by the board. Before any rule or regulation is adopted, altered, amended or repealed by the board there shall be a public hearing thereon, notice of which shall be published not less than ten days, in such newspapers as the board may prescribe. Every rule or regulation and every act of the board shall be promptly published in bulletins of the department of labor or in such newspapers as the board may prescribe. The rules and regulations, and alterations, amendments and changes thereof shall, unless otherwise prescribed by the board, take effect twenty days after the first publication thereof.

3. The rules and regulations which shall be in force on the first day of January, nineteen hundred and fourteen, and the

amendments and alterations thereof, and the additions thereto, shall constitute the industrial code. The industrial code may embrace all matters and subjects to which and so far as the power and authority of the department of labor extends and its application need not be limited to subjects enumerated in this article. The industrial code and all amendments and alterations thereof and additions thereto shall be certified by the secretary of the board and filed with the secretary of state.] *The board shall have power to make investigations concerning and report upon the conditions of labor generally and upon all matters relating to the enforcement and effect of the provisions of this chapter and the rules of the board. Each member of the board and the secretary shall have power to administer oaths and take affidavits and to make personal inspections of all places to which this chapter applies. The board shall have power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigations and inquiries hereby authorized, and to examine them in relation to any matter which it has power to investigate, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the board, or excused from attendance.*

§ 22. Enactment of rules. 1. The board shall have power to make, amend and repeal rules for carrying into effect the provisions of this chapter, applying such provisions to specific conditions and prescribing specific means, methods or practices to effectuate such provisions, and may amend or repeal rules and regulations heretofore prescribed by the commissioner with reference to mines, tunnels and quarries and employment in compressed air. Such rules and regulations heretofore prescribed by the commissioner shall continue in force until amended or repealed by the industrial board.

2. The board shall have power to make, amend and repeal rules for improper sanitation in the places to which this chapter applies, and for guarding against and minimizing fire hazards, personal injuries and diseases in all places to which this chapter applies with respect to

a. The construction, alteration, equipment and maintenance of all such places, including the conversion of structures into factories, factory buildings and mercantile establishments;

b. The arrangement and guarding of machinery and the storing and keeping of property and articles;

c. The places where and the methods and operations by which trades and occupations may be conducted and the conduct of employers, employees and other persons;

It being the policy and intent of this chapter that all places to which it applies shall be so constructed, equipped, arranged, operated and conducted in all respects as to provide reasonable and adequate protection to the lives, health and safety of all persons employed therein, and frequenting the same, and that the board shall from time to time make such rules as will effectuate such policy and intent.

3. The rules may be limited in their application to certain classes of establishments, places of employment, machines, apparatus, articles, processes, industries, trades or occupations or may apply only to those to be constructed, established, installed or provided in the future.

4. The rules of the board shall have the force and effect of law and shall be enforced in the same manner as the provisions of this chapter.

5. No provision of this chapter conferring power on the industrial board to make rules in specific cases shall limit the powers conferred by this section.

§ 23. Procedure; industrial code. The rules of the board shall constitute the industrial code. At least three affirmative votes shall be necessary for the adoption, amendment or repeal of any rule. Before any rule is adopted, amended or repealed, there shall be a public hearing thereon, notice of which shall be published at least once, not less than ten days prior thereto, in such newspapers as the board may prescribe and in the city of New York in the City Record. Every rule adopted and every amendment or repeal thereof shall be promptly published in the bulletins of the department and in such newspapers as the board may prescribe and in the city of New York in the City Record. The rules and all amendments and repeals thereof shall, unless otherwise prescribed by the board, take effect twenty days after the first publication thereof, and every rule and every amendment or repeal thereof shall be certified by the secretary of the board and filed with the secretary of state.

§ [99] *24. Special rules for* [D]*dangerous trades.* Whenever the industrial board [shall] finds [as a result of its investigations] that any industry, trade or occupation [by reason of the nature of the materials used therein or the products thereof or by reason of the methods or processes or machinery or apparatus employed therein or by reason of any other matter or thing connected with such industry, trade or occupation, contains] *involves* such elements of danger to the lives, health or safety of persons employed therein as to require special regulation for the protection of such persons, *the* [said] board shall have power to make [such] special rules [and regulations as it may deem necessary] to guard against such elements of danger by establishing requirements as to temperature, humidity, the removal of dust, gases or fumes and requiring licenses to be applied for and issued by the commissioner [of labor] as a condition of carrying on any such industry, trade or occupation and requiring medical inspection and supervision of persons employed and applying for employment, and by other appropriate means.

TITLE III. COMMISSIONER OF LABOR; POWERS AND DUTIES.

§ 30. General duty to enforce labor laws. The commissioner shall enforce all the provisions of this chapter and of the rules of the industrial board. He may also enforce any lawful municipal ordinance, by-law or regulation not in conflict with the provisions of this chapter or the rules of the industrial board relating to any place affected by the provisions of this chapter. The commissioner may call upon other state or local officers or boards of health to secure the enforcement of the provisions of this chapter in so far as they relate to establishments other than factories specified in section one hundred and five, and for that purpose such state or local officers or boards of health shall have all of the powers conferred upon the commissioner by this chapter.

§ 31. Power to enter and inspect premises. The commissioner or his deputies and assistants shall inspect every place which is, or which they may have reasonable cause to believe is, affected by the provisions of this chapter and he and his deputies and assistants may, in the discharge of their duties, enter any such place.

§ 32. Examination of books and papers. All books, papers, records or other documents required to be kept by the provisions of this chapter or the rules of the industrial board, shall at all

times be open to the inspection of the commissioner, his deputies and assistants, and the person in charge thereof shall afford every reasonable facility for their examination and shall furnish a copy thereof when demanded by the commissioner.

§ *33. Inspectors' reports to be in writing. Every person acting as an inspector for the department shall report the facts and conditions observed or discovered by him in the course of every inspection made by him under the provisions of this chapter. The commissioner shall prescribe the form, scope and the manner of making such reports. The reports shall be filed in the department.*

§ [64. Information to be furnished upon request.] *34. Duty to furnish information and facilitate department's inspections.* The owner, operator, manager or lessee of any [mine, factory, workshop, warehouse, elevator, foundry, machine shop or other manufacturing] establishment[,] *or place affected by the provisions of this chapter* or [any] *his* agent, superintendent, subordinate, or employee [thereof,] and any person employing or directing any labor affected by the provisions of this chapter, shall, when requested by the commissioner [of labor,] furnish any information in his possession or under his control which the commissioner is authorized to require, *shall answer truthfully all questions put to him by the commissioner in a circular or otherwise,* [and] shall admit [him or his duly authorized representative] *the commissioner or his deputies or assistants* to any place which is affected by the provisions of this chapter for the purpose of *making* inspection *or enforcing the provisions of this chapter and the rules of the industrial board, and shall render assistance necessary for a proper inspection.* [A person refusing to admit such commissioner, or person authorized by him, to any such establishment, or to furnish him any information requested, or who refuses to answer or untruthfully answers questions put to him by such commissioner, in a circular or otherwise, shall forfeit to the people of the state the sum of one hundred dollars for each refusal or untruthful answer given, to be sued for and recovered by the commissioner in his name of office. The amount so recovered shall be paid into the state treasury.]

§ *35. Interference with department prohibited. No person shall interfere with, obstruct or hinder by force or otherwise the commissioner, his deputies or assistants or any member of the*

industrial board or the secretary or assistants thereof, while in the performance of their duties.

§ 36. Service of notice. Whenever the department or commissioner, or any person affected by the provisions of this chapter, is required or authorized by this chapter or any rule made in pursuance thereof to give notice in writing to any other person, such notice may be given by mailing it in a registered letter addressed to the person to whom it is required to be given at his last known residence or place of business or by delivering it personally to such person. Notice to a partnership may be given to any of the partners and notice to a corporation may be given to any agent of the corporation upon whom process may be served, or to any officer of the corporation, or to any agent in charge of the business or place of employment conducted by the corporation. Whenever the department or commissioner is required or authorized to issue an order for compliance with any of the provisions of this chapter, such order shall be served in the manner hereinbefore specified for the service of notices or by delivering it personally to the person to whom it is required or authorized to be addressed, or to any person of suitable age and discretion in charge of the premises affected by such order, or if no person be found in charge of the premises then by affixing a copy of such order prominently upon the premises.

§ 37. Reissuance of revoked licenses. Unless otherwise provided by this chapter, the commissioner or other public officer authorized by this chapter to cancel, revoke or suspend any license or certificate granted by him may, when satisfied that the reasons for the cancellation, suspension or revocation no longer exist, reissue such license or certificate and it shall thereafter be of the same force and effect as a new license duly issued, but only for the remainder of the period for which the original license or certificate was issued.

§ 38. Commissioner to keep record and publish bulletin of licenses. The commissioner shall keep a record of all licenses or permits or certificates in the nature of licenses issued by him under the provisions of this chapter or any rule made in pursuance thereof. A complete list (1) of all persons and places holding such licenses, certificates or permits, showing the name and address of the owner of the licensed place, building or business, the address of the licensed business and the name under

which it is carried on, the address and place of business of the licensee, and (2) of all licenses, certificates or permits revoked, suspended or cancelled shall be published from time to time by the commissioner.

§ *39. Blanks to be prepared. Whenever any person is required by the provisions of this chapter or any rule made in pursuance of authority granted in this chapter to give notice, furnish information, present a petition, or make or keep any report, record, book, paper or other documentary evidence on blanks furnished by the department, the commissioner shall prepare and furnish such blanks free of charge to all persons applying therefor.*

§ [46]*40. Annual* [R]reports. The commissioner [of labor] shall report annually to the legislature and shall include in his annual report or make separately in each year a report of the operation of each bureau in the department, *and the report of the director of the division of industrial hygiene of the bureau of inspection.*

§ *41. Seal. The commissioner may adopt a seal for the department and require that it be used for the authentication of the department's orders and proceedings, and for such other purposes as he may prescribe. The courts shall take judicial notice of such seal and of the signatures of the commissioner and the deputy commissioners.*

§ *42. Badges. The commissioner may procure badges for himself and his subordinates and require them to be worn by his subordinates while in the performance of their duties.*

§ [47]*43. Destruction of* old records. All statistics furnished to and all complaints, reports and other documentary matter received by the commissioner [of labor pursuant to this chapter or any act repealed or superseded thereby] may be destroyed [by such commissioner] after the expiration of six years from the time of the receipt thereof.

§ *44. Department's process to be in commissioner's name. All notices, orders and directions of any officer, agent or employee of the department other than the industrial board given in accordance with this chapter are subject to the approval of the commissioner and may be performed or given by and in his name by any officer or employee of the department thereunto duly authorized by him.*

§ [43]*45.* [Powers] *Oaths and affidavits.* [1.] The commissioner [of labor], his deputies, [and their] *and* assistants, [and each agent, chief factory inspector, factory inspector, mine inspector, tunnel inspector, chief investigator, special investigator, chief mercantile inspector, and mercantile inspectors] may administer oaths and take affidavits in matters relating to the provisions of this chapter.

[2. No person shall interfere with, obstruct or hinder by force or otherwise the commissioner of labor, any member of the industrial board, or any officer, agent or employee of the department of labor while in the performance of their duties, or refuse to properly answer questions asked by such officers or employees pertaining to the provisions of this chapter, or refuse them admittance to any place which is affected by the provisions of this chapter.

3. All notices, orders and directions of any officer, agent or employee of the department of labor other than the commissioner of labor or the industrial board given in accordance with this chapter are subject to the approval of the commissioner of labor, and may be performed or given by and in the name of the commissioner of labor and by any officer or employee of the department thereunto duly authorized by such commissioner in the name of such commissioner.

4. The commissioner of labor may procure and cause to be used badges for himself and his subordinates in the department of labor while in the performance of their duties.]

§ *46. Hearings and subpoenas. The commissioner or any of his deputies or assistants duly designated by him shall have power*

1. To issue subpoenas for and compel the attendance of witnesses and the production of books, contracts, papers, documents and other evidence;

2. To hear testimony and take or cause to be taken depositions of witnesses residing within or without this state in the manner prescribed by law for like depositions in civil actions in the supreme court.

Subpoenas and commissions to take testimony shall be issued under the seal of the department.

§ [154]47. Proceedings before [the commissioner of labor.] *deputies or assistants.* Any investigation, inquiry or hearing which the commissioner [of labor] has power to undertake or to hold may by *his* special authorization [from the commissioner of labor,] be undertaken or held by or before [the chief investigator, or any official whom he may designate,] *any of his deputies or assistants* and any decision rendered on such investigation, inquiry or hearing, when approved, and confirmed by the commissioner and ordered filed in his office, shall [be and be deemed to] be the order of the commissioner. [All hearings before the commissioner or chief investigator or official duly designated therefor shall be governed by rules to be adopted and prescribed by the commissioner. The commissioner or chief investigator or official duly designated therefor shall not be bound by technical rules of evidence, and shall have the power to subpoena any witness or any person, and to examine all books, contracts, records and documents of any person or corporation and by subpoena duces tecum to compel production thereof, and to effect as far as practicable an amicable settlement or adjustment of any such complaint. Such subpoena shall be issued by the commissioner or chief investigator under the seal of the department of labor. No person shall be excused from testifying or from producing any books or papers on any investigation or inquiry by or upon any hearing before the commissioner or chief investigator, or official duly designated thereof,* when ordered to do so, upon the ground that the testimony or evidence, books or documents required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture, for or on account of any act, transaction, matter or thing, concerning which he shall under oath have testified or produced documentary evidence; provided, however, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.]

§ 48. Rules governing hearings. The commissioner or his deputy or assistant duly designated therefor shall not be bound by technical rules of evidence and shall conduct all hearings according to rules prescribed by the commissioner.

TITLE IV. SUBORDINATE OFFICERS; POWERS AND DUTIES.

[§ 41]*55.* [Deputy commissioners.] *Powers and duties of deputies. Whenever, in this chapter, authority is conferred upon the commissioner it shall, except as to appointments and removals, include his deputies or a deputy acting under his direction.* [The commissioner of labor shall forthwith upon entering upon the duties of his office, appoint and may at pleasure remove two deputy commissioners of labor. The first deputy commissioner shall receive a salary of five thousand dollars a year; the second deputy commissioner shall receive a salary of four thousand five hundred dollars a year.]

During the absence or disability of the commissioner [of labor,] the first deputy commissioner shall possess all the powers and perform all the duties of the commissioner except the power of appointment and removal. During the absence or disability of both the commissioner [of labor] and the first deputy commissioner [of labor,] the second deputy commissioner shall possess all the powers and perform all the duties of the commissioner except the power of appointment and removal. *In case of a vacancy in the office of commissioner the deputy commissioner acting as commissioner shall have the power of appointment and removal.* In addition to their duties and powers as prescribed by the provisions of this chapter, the deputy commissioners [of labor] shall perform such other duties and possess such other powers as the commissioner [of labor] may prescribe.

§ [48]*56. Duties of* counsel. [The commissioner of labor shall appoint and may at pleasure remove counsel who shall be an attorney and counsellor at law of the state of New York to] *The counsel of the department shall* represent the department [of labor] and [to] take charge of and assist in the prosecution of actions and proceedings brought by or on behalf of the commissioner [of labor] or the department [of labor], and generally [to] *shall* act as legal adviser to the commissioner *and the industrial board.* [Such counsel shall receive a salary of four thousand dollars a year. The commissioner of labor shall have power to appoint and at pleasure remove attorneys and counsellors at law to] *The assistants to the counsel shall* assist the counsel in the performance of his duties [who shall receive such compensation as may be provided by law].

[ARTICLE 4.] *TITLE V.* BUREAU OF INSPECTION.

[Section 53. Bureau of inspection; inspector general; divisions.
54. Inspectors.
55. Division of factory inspection; factory inspection districts; chief factory inspectors.
56. Idem; general powers and duties.
57. Division of homework inspection.
58. Division of mercantile inspection.
59. Idem; general powers and duties.
60. Division of industrial hygiene.
61. Section of medical inspection.]

§ [53]*60.* Bureau of inspection; [inspector general;] divisions. The bureau of inspection[, subject to the supervision and direction of the commissioner of labor,] shall have charge of all inspections made pursuant to the provisions of this chapter. [and shall perform such other duties as may be assigned to it by the commissioner of labor. The first deputy commissioner of labor shall be the inspector general of the state, and in charge of this bureau subject to the direction and supervision of the commissioner of labor, except that the division of industrial hygiene shall be under the immediate direction and supervision of the commissioner of labor. Such] *This* bureau shall have [four] *the following* divisions [as follows]: factory inspection, mercantile inspection, homework inspection, [and] industrial hygiene, *and* [There shall be] such other divisions [in such bureau] as the commissioner [of labor] may deem necessary. [In addition to their respective duties as prescribed by the provisions of this chapter, such divisions shall perform such other duties as may be assigned to them by the commissioner of labor.]

§ *61. Inspector general. The first deputy commissioner shall be the inspector general, and shall have charge of the bureau of inspection, except that the division of industrial hygiene shall be under the immediate direction and supervision of the commissioner.*

§ [55]*62.* [Division of factory inspection; f]*F*actory inspection districts; chief factory inspectors. [For the inspection of factories, t]*T*here shall be two inspection districts to be known as the first factory inspection district and the second factory inspection district. The first [factory inspection] district shall include the counties of New York, Bronx, Kings, Queens, Richmond,

Nassau and Suffolk. The second [factory inspection] district shall include all the other counties of the state. [There shall be two chief factory inspectors who shall be appointed by the commissioner of labor and who may be removed by him at any time and each of whom shall receive a salary of four thousand dollars a year.] The inspection of factories in each [factory inspection] district shall[, subject to the supervision and direction of the commissioner of labor,] be in charge of a chief factory inspector assigned to such district by the commissioner [of labor. The commissioner of labor may designate one of the supervising inspectors as assistant chief factory inspector for the first district, and while acting as such assistant chief factory inspector he shall receive an additional salary of five hundred dollars per annum].

§ *63. Supervising factory inspectors. The factory inspectors of the fifth grade shall act as supervising inspectors. The commissioner may designate one of the supervising inspectors as assistant chief factory inspector for the first district, who while so acting shall receive additional compensation at the rate of five hundred dollars a year.*

§ [56. Idem; general powers and duties]. *64. Factory inspection subdistricts.* [1] The commissioner [of labor] shall, from time to time, divide the [state] *factory inspection districts* into subdistricts, *and* assign one [factory inspector of the fifth grade to each subdistrict as] supervising inspector *to each subdistrict,* and may [in his discretion] transfer [such supervising inspector] *him* from one subdistrict to another.[; he shall from time to time, assign and transfer factory inspectors to each factory inspection district and to any of the divisions of the bureau of inspection; he may assign any factory inspector to inspect any special class or classes of factories or to enforce any special provisions of this chapter; and he may assign any one or more of them to act as clerks in any office of the department.

2. The commissioner of labor may authorize any deputy commissioner or assistant and any agent or inspector in the department of labor to act as a factory inspector with the full power and authority thereof.

3. The commissioner of labor, the first deputy commissioner of labor and his assistant or assistants, and every factory inspector and every person duly authorized pursuant to sub-division two

of this section may, in the discharge of his duties, enter any place, building or room which is affected by the provisions of this chapter and may enter any factory whenever he may have reasonable cause to believe that any labor is being performed therein.

4. The commissioner of labor shall visit and inspect or cause to be visited and inspected the factories, during reasonable hours, as often as practicable, and shall cause the provisions of this chapter and the rules and regulations of the industrial board to be enforced therein.

5. Any lawful municipal ordinance, by-law or regulation relating to factories, in addition to the provisions of this chapter and not in conflict therewith, may be observed and enforced by the commissioner of labor.]

§ *65. Special factory inspectors. The commissioner may authorize any deputy commissioner or assistant and any agent or inspector in the department to act as a factory inspector.*

§ *66. Assignment of factory inspectors. The commissioner shall, from time to time, assign the factory inspectors to the several factory inspection districts and divisions of the bureau of inspection and may transfer them from one to another of such districts and divisions and may assign them to any division or bureau of the department. He may assign any factory inspector to inspect any special class of factories or to enforce any special provisions of this chapter, or to act as clerks in any office of the department.*

§ [58]*67.* Division of mercantile inspection. The division of mercantile inspection shall be under the immediate charge of the chief mercantile inspector [but subject to the direction and supervision of the commissioner of labor. The chief mercantile inspector shall be appointed and be at pleasure removed by the commissioner of labor, and shall receive such annual salary not to exceed three thousand dollars as may be appropriated therefor].

§ [59]*68.* [Idem; general powers and duties. 1.] *Mercantile inspection districts.* The commissioner [of labor] may divide the [cities of the first and second class of the] state into mercantile inspection districts, *and* assign one or more mercantile inspectors to each [such] district, and may [in his discretion] transfer them from one [such] district to another.[; he

may assign any of them to inspect any special class or classes of mercantile or other establishments specified in article twelve of this chapter, situated in cities of the first and second class, or to enforce in cities of the first or second class any special provision of such article.

2. The commissioner of labor may authorize any deputy commissioner or assistant and any agent or inspector in the department of labor to act as a mercantile inspector with full power and authority thereof.

3. The commissioner of labor, the chief mercantile inspector and his assistant or assistants and every mercantile inspector or acting mercantile inspector may in the discharge of his duties enter any place, building or room in cities of the first or second class which is affected by the provisions of article twelve of this chapter, and may enter any mercantile or other establishment specified in said article, situated in the cities of the first or second class, whenever he may have reasonable cause to believe that it is affected by the provisions of article twelve of this chapter.

4. The commissioner of labor shall visit and inspect or cause to be visited and inspected the mercantile and other establishments specified in article twelve of this chapter situated in cities of the first and second class, as often as practicable, and shall cause the provisions of said article and the rules and regulations of the industrial board to be enforced therein.

5. Any lawful municipal ordinance, by-law or regulation relating to mercantile or other establishments specified in article twelve of this chapter, in addition to the provisions of this chapter and not in conflict therewith, may be enforced by the commissioner of labor in cities of the first and second class.]

§ *69. Special mercantile inspectors. The commissioner may authorize any deputy commissioner or assistant and any agent or inspector in the department to act as a mercantile inspector.*

§ *70. Assignment of mercantile inspectors. The commissioner may assign any mercantile inspector to inspect any special class of mercantile or other establishments except factories specified in section one hundred and five or to enforce any special provision of this chapter applicable thereto. He may also assign any mercantile inspector to any division or bureau of the department.*

§ [57]*71.* Division of home work inspection. [The division of homework inspection shall be in charge of an officer or employee of the department of labor designated by the commissioner of labor and shall, subject to the supervision and direction of the commissioner of labor, have charge of all inspections of tenement houses and of labor therein and of all work done for factories at places other than such factories.] *The division of homework inspection shall have charge of all inspections of tenement houses and of labor therein and of all work done for factories at places other than such factories, and shall be in charge of an officer or employee of the department designated by the commissioner.*

§ [60]*72.* Division of industrial hygiene. [The inspectors of the seventh grade shall constitute the division of industrial hygiene, which shall be under the immediate charge of the commissioner of labor. The commissioner of labor may select one of the inspectors of the seventh grade to act as the director of such division, and such director while acting in that capacity shall receive an additional compensation of five hundred dollars a year.] *The factory inspectors of the seventh grade shall be members of and shall constitute the division of industrial hygiene. The commissioner may select one of the members to be director of the division who, while so acting, shall receive additional compensation at the rate of five hundred dollars a year. The factory inspectors of the fourth grade shall be attached to this division and shall act as investigators therein.* The members of the division [of industrial hygiene] shall make special inspections of factories, mercantile establishments and other places subject to the provisions of this chapter, [throughout the state, and] shall conduct special investigations of industrial processes and conditions, *and shall prepare material for leaflets and bulletins calling attention to dangers in particular industries and the precautions to be taken to avoid them.* [and shall perform such other duties and render such other services as may be required by the commissioner of labor.] [t]*T*he commissioner [of labor] shall submit to the industrial board the recommendations of the division regarding proposed rules [and regulations] and standards to be adopted to carry into effect the provisions of this chapter and shall advise [said] *the* board concerning the operation of such rules and standards and as to any changes or modifications to be made therein. [The members of such division shall prepare material

for leaflets and bulletins calling attention to dangers in particular industries and the precautions to be taken to avoid them and shall perform such other duties and render such other services as may be required by the commissioner of labor.] The director [of such division] shall make an annual report to the commissioner [of labor of the operation of the division], to which may be attached the individual reports of each member of the division [as above specified, and same shall be transmitted to the legislature as part of the annual report of the commissioner of labor].

§ [61]*73.* Section of medical inspection. The *factory* inspectors of the sixth grade *shall act as medical inspectors and* shall constitute the section of medical inspection. *The factory inspector of the seventh grade who is a physician, shall be the chief medical inspector, and shall have charge of this section,* [which shall,] subject to the supervision and direction of the director of the division of industrial hygiene [be under the immediate charge of the chief medical inspector]. The section of medical inspection shall inspect factories, mercantile establishments and other places subject to the provisions of this chapter [throughout the state] with respect to conditions of work affecting the health of persons employed therein and shall have charge of the physical examination and medical supervision of all children employed therein [and shall perform such other duties and render such other services as the commissioner of labor may direct].

[ARTICLE 5.] *TITLE VI.* BUREAU OF STATISTICS AND INFORMATION.

[Section 62. Bureau of statistics and information.
63. Divisions; duties and powers.
64. Information to be furnished upon request.
65. Industrial poisoning to be reported.]

§ [62]*75.* Bureau of statistics and information*; divisions.* [The bureau of statistics and information shall be under the immediate charge of a chief statistician, but subject to the direction and supervision of the commissioner of labor.

§ 63. Divisions; duties and powers. 1. The bureau of statistics and information shall have five divisions as follows: general labor statistics; industrial directory; industrial accidents and diseases; special investigations; and printing and publication. There shall be such other divisions in such bureau as the commissioner of labor may deem advisable. Each of the said divisions

shall, subject to the supervision and direction of the commissioner of labor and of the chief statistician, be in charge of an officer or employee of the department of labor designated by the commissioner of labor; and each of the said divisions, in addition to the duties prescribed in this chapter, shall perform such other duties as may be assigned to it by the commissioner of labor.

2. The division of general labor statistics shall collect, and prepare statistics and general information in relation to conditions of labor and the industries of the state.

3. The division of industrial directory shall prepare annually an industrial directory for all cities and villages having a population of one thousand or more according to the last preceding federal census or state enumeration. Such directory shall contain information regarding opportunities and advantages for manufacturing in every such city or village, the factories established therein, hours of labor, housing conditions, railroad and water connections, water power, natural resources, wages and such other data regarding social, economic and industrial conditions as in the judgment of the commissioner would be of value to prospective manufacturers, and their employees. If a city is divided into boroughs the directory shall contain such information as to each borough.

4. The division of industrial accidents and diseases shall collect and prepare statistical details and general information regarding industrial and occupational diseases, their causes and effects, and methods of preventing, curing and remedying them, and of providing compensation therefor.

5. The division of special investigations shall have charge of all investigations and research work relating to economic and social conditions of labor conducted by such bureau.

6. The division of printing and publication shall print, publish and disseminate in such manner and to such extent as the commissioner of labor shall direct, such information and statistics as the commissioner of labor may direct for the purpose of promoting the health, safety and well being of persons employed at labor.

7. The commissioner of labor may subpoena witnesses, take and hear testimony, take or cause to be taken depositions and administer oaths.] *The bureau of statistics and information shall be under the immediate charge of the chief statistician. This bureau*

shall have the following divisions: general labor statistics; industrial directory; industrial accidents and diseases; special investigations; printing and publication, and such other divisions as the commissioner may deem advisable. Each division shall, subject to the supervision and direction of the chief statistician, be in charge of an officer or employee of the department designated by the commissioner.

§ 76. Powers and duties of divisions. 1. General labor statistics. The division of general labor statistics shall collect and prepare statistics and general information in relation to conditions of labor and the industries of the state.

2. Industrial directory. The division of industrial directory shall prepare annually an industrial directory for all cities and villages having a population of one thousand or more according to the last preceding federal census or state enumeration. Such directory shall contain information regarding opportunities and advantages for manufacturing in every such city or village, the factories established therein, hours of labor, housing conditions, railroad and water connections, water power, natural resources, wages and such other data regarding social, economic and industrial conditions as in the judgment of the commissioner would be of value to prospective manufacturers, and their employees. If a city is divided into boroughs the directory shall contain such information as to each borough.

3. Industrial accidents and diseases. The division of industrial accidents and diseases shall collect and prepare statistical details and general information regarding industrial accidents and occupational diseases, their causes and effects, and methods of preventing, curing and remedying them, and of providing compensation for disability or death resulting from them.

4. Special investigations. The division of special investigations shall have charge of all investigations and research work relating to economic and social conditions of labor.

5. Printing and publication. The division of printing and publication shall print, publish and disseminate such information and statistics as the commissioner may direct for the purpose of promoting the health, safety and well being of employees.

[ARTICLE 10.] *TITLE VII.* BUREAU OF MEDIATION AND ARBITRATION.

[Section 140. Chief mediator.
141. Mediation and investigation.
142. Board of mediation and arbitration.
143. Arbitration by the board.
144. Decisions of board.
145. Annual report.
146. Submission of controversies to local arbitrators.
147. Consent; oath; powers of arbitrators.
148. Decision of arbitrators.]

§ [140]*80.* [Chief mediator] *Bureau of mediation and arbitration.* [There shall continue to be a bureau of mediation and arbitration.] The second deputy commissioner [of labor] shall be the chief mediator [of the state] and in immediate charge of *the bureau of mediation and arbitration* [this bureau, but subject to the supervision and direction of the commissioner of labor].

§ *81. Board of mediation and arbitration. There shall be a state board of mediation and arbitration, which shall consist of the chief mediator and two other officers of the department to be from time to time designated by the commissioner. The chief mediator when present shall be chairman of the board.*

§ [141]*82.* Mediation and investigation. Whenever a strike or lockout occurs or is seriously threatened an officer or agent of the bureau of mediation and arbitration shall, if practicable, proceed promptly to the locality thereof and endeavor by mediation to effect an amicable settlement of the controversy. If the commissioner [of labor] deems it advisable the board of mediation and arbitration may proceed to the locality and inquire into the cause of *an existing or threatened strike or lockout* [thereof] and for that purpose shall have all the powers conferred upon it in the case of a controversy submitted to it for arbitration.

§ [142]*83.* [Board of mediation and arbitration.] *Procedure of board.* [There shall continue to be a state board of mediation and arbitration, which shall consist of the chief mediator and two other officers of the department of labor to be from time to time designated by the commissioner of labor. The chief mediator when present shall be chairman of the board.] Two members of [such] *the state board of mediation and arbitration* [board]

shall constitute a quorum for the transaction of business, and may hold meetings at any time [or] *and at any* place within the state. Examinations or investigations ordered by the board may be held *by* and taken [by and] before any of [their number,] *its members* if so directed, but a decision rendered in such a case shall not be deemed [conclusive] *final* until approved by the board.

§ [143]*84*. Arbitration by the board. A [grievance or dispute] *controversy* between an employer and his employees may be submitted to the board of arbitration and mediation for [their] *its* determination and settlement. [Such] *The* submission shall be *by written statement containing* (*a*) *a detailed description of* [in writing, and contain a statement in detail of] the [grievance or dispute] *controversy* and the cause thereof, and (*b*) [also] an agreement to abide the determination of the board, and to continue in business or at work during the investigation [without a lockout or strike]. Upon such submission, the board shall examine the matter in controversy. For the purpose of [such] *the* inquiry [they] *it* may subpoena witnesses, compel their attendance, take and hear testimony, and call for and examine books, papers and documents of any parties to the controversy. Subpoenas shall be issued by the chairman under the seal of the department [of labor]. Witnesses shall be allowed the same fees as in courts of record. [The decision of the board must be rendered within ten days after the completion of the investigation.]

§ [144]*85*. Decisions of board. Within ten days after the [completion of every arbitration] *close of the inquiry,* the board or a majority thereof shall render a decision, stating such details as [will] clearly show the nature of the controversy and the [points disposed of by them] *questions decided,* [and make a written report of] their findings of fact and [of] their recommendations [to each party of the controversy]. Every decision [and report] shall be filed in the office of the board and a copy thereof served upon each party to the controversy.

[§ 145. Annual report. The commissioner of labor shall make an annual report to the legislature of the operations of this bureau.]

§ [146]*86*. Submission of controversies to local arbitrators. A [grievance or dispute] *controversy* between an employer and

his employees may be submitted to a board of arbitrators, consisting of three persons, for hearing and settlement. *One arbitrator shall be appointed by the employer and one by the employees.* The two so designated shall appoint a third, who shall be chairman of the board. [When] *If* the employees concerned are members in good standing of a labor organization, [one] *the* arbitrator *to represent them* may be appointed by such organization [and one by the employer]. If such employees are not members of a labor organization, a majority thereof at a meeting duly called for that purpose may designate [one] *the* arbitrator *to represent them* [for such board].

§ [147]*87.* Consent; oath; powers of arbitrators. Before entering upon his duties, each arbitrator so selected shall sign a consent to act, and take and subscribe an oath to faithfully and impartially discharge his duties [as such arbitrator], which consent and oath shall be filed in the clerk's office [of] *in* the county or counties where the controversy arose. [When such board is ready for the transaction of business, it] *The board* shall select one of its members to act as secretary, and notice of the time and place of hearing shall be given to the parties to the controversy. The board may, through its chairman, subpoena witnesses, compel their attendance and take and hear testimony. The board may make and enforce rules *governing* [for its government and] the transaction of the business before it, and fix its sessions and adjournments.

§ [148]*88.* Decisions of arbitrators. [The board shall w]*W*ithin ten days after the close of the [hearing] *inquiry, the board shall* render a [written] decision signed by *each member* [them giving] *stating* such details as clearly show the nature of the controversy and the questions decided by them. One copy of the decision shall be filed in the *clerk's* office [of the clerk of] *in* the county or counties where the controversy arose and one copy shall be transmitted to the bureau of mediation and arbitration, *and a copy served upon each party to the controversy.*

[ARTICLE 11.] *TITLE VIII.* BUREAU OF INDUSTRIES AND IMMIGRATION.

[Section 151. Bureau of industries and immigration.
152. Special investigators.
153. General powers and duties.
154. Proceedings before the commissioner of labor.
155. Registration and reports of employment agencies.
156. The licensing and regulation of immigrant lodging places.
156-a. Reports.]

§ [151]*90.* Bureau of industries and immigration. The[re shall be a] bureau of industries and immigration[, which] shall be under the immediate charge of [a] *the* chief investigator. [but subject to the supervision and direction of the commissioner of labor.

§ 152. Special investigators. The commissioner of labor may appoint from time to time such number of special investigators and such other assistants as may be necessary to carry into effect the powers of the said bureau herein defined, who may be removed by him at any time. The special investigators may be divided into two grades. Each special investigator of the first grade shall receive an annual salary of fifteen hundred dollars, and each of the second grade an annual salary of twelve hundred dollars.]

§ [153]*91.* General powers and duties. [The commissioner of labor shall have the power to make full inquiry, examination and investigation into the condition, welfare and industrial opportunities of all aliens arriving and being within the state. He shall also have power to collect information with respect to the need and demand for labor by the several agricultural, industrial and other productive activities, including public works throughout the state; to gather information with respect to the supply of labor afforded by such aliens as shall from time to time arrive or be within the state; to ascertain the occupations for which such aliens shall be best adapted, and to bring about intercommunication between them and the several activities requiring labor which will best promote their respective needs; to investigate and determine the genuineness of any application for labor that may be received and the treatment accorded to those for whom employ-

ment shall be secured; to co-operate with the employment and immigration bureaus conducted under authority of the federal government, or by the government of any other state, and with public and philanthropic agencies designed to aid in the distribution and employment of labor; and to devise and carry out such other suitable methods as will tend to prevent or relieve congestion and obviate unemployment.

2. The commissioner of labor shall procure with the consent of the federal authorities complete lists giving the names, ages, and destination within the state of all alien children of school age, and such other facts as will tend to identify them and shall forthwith deliver copies of such lists to the commissioner of education or the several boards of education and school boards in the respective localities within the state to which said children shall be destined, to aid in the enforcement of the provisions of the education law relative to the compulsory attendance at school of children of school age.

3. The commissioner of labor shall further co-operate with the commissioner of education and with the several boards of education and school commissioners in the state to ascertain the necessity for and the extent to which instruction should be imparted to aliens within the state; to devise methods for the proper instruction of adult and minor aliens in the English language and other subjects, and in respect to the duties and rights of citizenship and the fundamental principles of the American system of government; and may establish and supervise classes and otherwise further their education.

4. The commissioner of labor may enter and inspect all labor camps within the state, and any camp which he may have reasonable cause to believe is a labor camp; and shall inspect all employment and contract labor agencies dealing with aliens, or whenever he may have reasonable cause to believe that such employment or contract labor agencies deal with aliens; or who secure or negotiate contracts for their employment within the state; shall inspect all immigrant lodging places or all places where he has reasonable cause to believe that aliens are received, lodged, boarded or harbored; shall co-operate with other public authorities, to enforce all laws applicable to private bankers dealing with aliens and laborers; secure information with respect to such aliens who shall be in prisons, almshouses and insane asylums of the state, and who shall be deportable under the laws of the United States and co-operate with the federal authorities and with

such officials of the state having jurisdiction over such criminals, paupers and insane aliens who shall be confined as aforesaid, so as to facilitate the deportation of such persons as shall come within the provisions of the aforesaid laws of the United States, relating to deportation; shall investigate and inspect institutions established for the temporary shelter and care of aliens, and such philanthropic societies as shall be organized for the purpose of securing employment for or aiding in the distribution of aliens, and the methods by which they are conducted.

5. The commissioner of labor shall investigate conditions prevailing at the various places where aliens are landed within this state, and at the several docks, ferries, railway stations and on trains and boats therein, and in co-operation with the proper authorities, afford them protection against frauds, crimes and exploitation; shall investigate any and all complaints with respect to frauds, extortion, incompetency and improper practices by notaries public, interpreters and other public officials, or by any other person or by any corporation, whether public or private, and present to the proper authorities the results of such investigation for action thereon; shall investigate and study the general social conditions of aliens within this state, for the purpose of inducing remedial action by the various agencies of the state possessing the requisite jurisdiction; and shall generally, in conjunction with existing public and private agencies, consider and devise means to promote the welfare of the state.] *The bureau of industries and immigration shall:*

1. Investigate conditions prevailing at all docks, ferries, railway stations and other places, where aliens arrive or depart, and also on boats and trains, and, in co-operation with the proper authorities, afford such aliens protection against frauds, crimes and exploitation; investigate all complaints with respect to frauds, extortion, incompetency, improper practices by notaries public, interpreters and other public officials, or by any other person or by any corporation, whether public or private, and present to the proper authorities the results of such investigation for action thereon; investigate and inspect labor camps; investigate and inspect institutions established for the temporary shelter and care of aliens; investigate and inspect philanthropic societies and other agencies organized for the purpose of aiding in the distribution and employment of aliens; investigate the general social condition and welfare of, and industrial opportunities for, all aliens

arriving or residing within the state and, in conjunction with existing public and private agencies, consider and devise means to promote the public welfare.

2. Collect information from prisons, insane asylums, almshouses and from other sources with respect to deportable aliens and co-operate with the federal authorities and the officials having jurisdiction over such aliens so as to facilitate the deportation of such aliens.

3. Co-operate with the public authorities charged with the duty of enforcing laws applicable to private bankers dealing with aliens and laborers; co-operate with the commissioner of education and the several school authorities to ascertain the extent to which instruction should be imparted to adult and minor aliens within the state and to devise methods for the proper instruction of such aliens and may establish and supervise classes for the education of aliens; co-operate with public and philanthropic employment and immigration bureaus and devise and carry out suitable methods for aiding in the distribution and employment of aliens.

4. Collect information with respect to the demand for labor throughout the state, and with respect to the supply of labor afforded by aliens; ascertain the occupations for which the aliens are best adapted and bring about communication between aliens and persons desiring laborers; and ascertain the genuineness of any application for labor and the treatment accorded to the aliens for whom employment is secured.

ARTICLE [2] *3.*

GENERAL PROVISIONS.

[Section 3. Hours to constitute a day's work.
4. Violations of the labor law.
5. Hours of labor in brickyards.
6. Hours of labor on street surface and elevated railroads.
7. Regulation of hours of labor on steam surface and other railroads.
8. Regulation of hours of labor of block system telegraph and telephone operators and signalmen on surface, subway and elevated railroads.
8a. One day of rest in seven.
9. Payment of wages by receivers.

10. Cash payment of wages.
11. When wages are to be paid.
12. Penalty for violation of preceding section.
13. Assignment of future wages.
14. Preference in employment of persons upon public works.
15. Labels, brands and marks used by labor organizations.
16. Illegal use of labels, brands and marks, a misdemeanor; injunction proceedings.
17. Seats for female employees.
18. Scaffolding for use of employees.
19. Inspection of scaffolding, ropes, blocks, pulleys and tackles in cities.
20. Protection of persons employed on buildings in cities.

20a. Accidents to be reported.
20b. Protection of employees.
20c. Switchboards to be protected.

21. Commissioner of labor to enforce provisions of article.
22. Physical examination of employees.
22. Duties relative to apprentices.]

Section 95. General duty to protect health and safety of employees.
96. Protection of employees at switchboards.
97. Prohibition against eating meals in certain workrooms.
98. Registration of places of employment.
99. Employers' report of accidents to employees.
100. Physicians' report of industrial poisonings.
101. Laws to be posted.
102. Labels, brands and marks used by labor organizations.
103. Illegal use of labels, brands and marks; injunction proceedings.

§ [20-b.] *95.* [Protection of employees.] *General duty to protect health and safety of employees.* All [factories, factory buildings, mercantile establishments and other] places to which this chapter [is applicable,] *applies* shall be so constructed, equipped, arranged, operated and conducted [in all respects] as to provide reasonable and adequate protection to the lives, health and safety

of all persons employed therein *or frequenting the same.* The industrial board shall [from time to time] make [such] rules [and regulations as will] *to* carry into effect the provisions of this section.

§ [20-b.] *96.* [Switchboards to be protected.] *Protection of employees at switchboards.* [All buildings having installed therein a] *At every* switchboard of two hundred and twenty *or more* volts [or over shall have, on the floor or upon such platform or other standing place as the switchboard may be located or attached,] *there shall be maintained* [a rubber] *an insulating* mat the length of the switchboard and of sufficient width *and so placed as* to allow a person to *stand or* walk [or stand] thereon while working at the switchboard or making tests.

§ [89-a.] *97.* Prohibition against eating meals in certain workrooms. No employee shall take or be permitted to take any food into a room [or apartment] in a factory, *or* mercantile establishment, [mill or workshop, commercial institution or other establishment or working place] where lead, arsenic or other poisonous substances or injurious or noxious fumes, dust or gases exist in harmful conditions or are present in harmful quantities. [as an incident or result of the business conducted by such factory, commercial establishment, mill or workshop, commercial institution or other establishment or working place; and n]*N*otice to the foregoing effect shall be *kept* posted in each such room[, or apartment]. No employee, unless his presence is necessary for the proper conduct of the business, shall remain in any such room[, apartment, or enclosure] during the time allowed for meals, and [suitable provision shall be made and maintained by the employer for enabling employees to take their meals elsewhere in such establishment.] *the employer shall provide a suitable place in such establishment for his employees to eat their meals.*

§ [69.] *98.* Registration of [factories] *places of employment.* [The owner of every factory shall register such factory with the state department of labor, giving the name of the owner, his home address, the address of the business, the name under which it is carried on, the number of employees and such other data as the commissioner of labor may require. Such registration of existing factories shall be made within six months after this section takes effect. Factories hereafter established shall be so registered within thirty days after the commencement of business. Within

thirty days after a change in the location of a factory the owner thereof shall file with the commissioner of labor the new address of the business, together with such other information as the commissioner of labor may require.] *Every employer, except those affected by sections three hundred and thirty and three hundred and thirty-one, employing persons who are affected by any of the provisions of this chapter shall, within thirty days after employment begins, register the place of employment with the commissioner, giving his name, his home address, the address of the business, the name under which it is carried on, the number of employees and such other data as the commissioner may require. Within thirty days after a change in the location of any such place of employment, the employer shall file the new address with the commissioner, together with such other information as the commissioner may require. When any such place of employment is permanently discontinued, the former employer shall notify the commissioner. All such places of employment, existing when this section takes effect, shall be registered within thirty days thereafter.*

§ 99. *Employers' report of accidents to employees. Every employer of labor affected by the provisions of this chapter shall keep a record of every accident which causes personal injury to or the death of any of his employees in the course of their employment. The record shall be in such form and shall contain such information as the commissioner may require. Within forty-eight hours after any such accident, the employer shall send to the commissioner a report thereof stating the name, address and business of the employer; the name, address, sex, age, nationality and occupation of the employee; time, place and cause of the accident; the nature of the injury and the probable extent of disability; the number of days which the employee had worked for such employer at the employment in which he was injured; whether he was paid at the time of the accident on the basis of time or output; the rate of the employee's wages immediately preceding the accident, and such other information as may be required by the commissioner. Subsequent reports of the results of the accident and of the condition of the injured employee shall be sent by the employer to the commissioner at such times and shall contain such information as he may require. Reports made under this section shall not be evidence of the facts therein stated in any action arising out of the accident therein reported.*

§ [65] *100. Physicians' reports of* industrial poisoning [to be reported]. *1.* Every [medical practitioner] *physician* attending [on or called in to visit a patient] *any person* whom he believes to be suffering from poisoning [from] *by* lead, phosphorus, arsenic, brass, wood alcohol, mercury or their compounds, or from anthrax, or [from] compressed air illness, contracted as the result of the nature of [the patient's] *such person's* employment, shall send to the commissioner [of labor] a [notice] *report* stating the name and [full postal] address and place of employment of [the patient] *such person* and the disease from which[, in the opinion of the medical practitioner, the patient] *he* is suffering, with such [other and] further information as may be required by the [said] commissioner.

[2. If any medical practitioner, when required by this section to send a notice, fails forthwith to send the same, he shall be liable to a fine not exceeding ten dollars.]

[3] *2.* [It shall be the duty of the commissioner of labor to enforce the provisions of this section, and he] *The commissioner* may call upon the state and local boards of health for assistance *in the enforcement of the provisions of this section.*

§ [99-a.] *101.* Laws to be posted. [Copies or digests of the provisions of this chapter and of the rules and regulations of the industrial board, applicable thereto, in English and in such other languages as the commissioner of labor may require, to be prepared and furnished by the commissioner of labor, shall be kept posted by the employer in such conspicuous place or places as the commissioner of labor may direct on each floor of every factory where persons are employed who are affected by the provisions thereof.] *Wherever persons are employed who are affected by the provisions of this chapter or the rules of the industrial board, the commissioner shall furnish to the employer copies or abstracts of all such provisions and rules affecting such persons. The copies or abstracts shall be in such languages as the commissioner may require and shall be kept posted by the employer in conspicuous places on the premises.*

§ [15.] *102.* Labels, brands and marks used by labor organizations. A union or association of employees may adopt a device in the form of a label, brand, mark, name or other character for the purpose of designating the products of the labor of the members thereof. Duplicate copies of such device shall be filed in the

office of the secretary of state, who shall, under his hand and seal, deliver to the union or association filing or registering the same a certified copy and a certificate of the filing thereof, for which he shall be entitled to a fee of one dollar. Such certificate shall not be assignable by the union or association to whom it is issued.

§ [16] *103.* Illegal use of labels, brands and marks [a misdemeanor]; injunction proceedings. [A] *No* person who, [(1)] shall in any way use or display the label, brand, mark, name or other character, adopted by any such union or association as provided in [the preceding] section *one hundred and two,* without the consent or authority of such union or association; or [(2) shall] counterfeit or imitate any such label, brand, mark, name or other character, or knowingly sell[s] or dispose[s] of, or keep[s] or [has] *have* in his possession with intent to sell or dispose of, any goods, wares, merchandise or other products of labor, upon which any such counterfeit or imitation is attached, affixed, printed, stamped or impressed, or knowingly sell[s] or dispose[s] of, or keep[s] or [has] *have* in his possession with intent to sell or dispose of any goods, wares, merchandise or other products of labor contained in any box, case, can or package, to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed.[, is guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not less than three months nor more than one year, or by both such fine and imprisonment.] After filing copies of such device, [such] *the* union or association may [also] maintain an action to enjoin the manufacture, use, display or sale of counterfeit or colorable imitations of such device, or of goods bearing the same, or the unauthorized use or display of such device, or of goods bearing the same, and the court may restrain such wrongful manufacture, use, display or sale, and every unauthorized use or display by others of the genuine devices so registered and filed, if such use or display is not authorized by the owner thereof, and may award to the plaintiff such damages resulting from such wrongful manufacture, use, display or sale as may be proved, together with the profits derived therefrom.

ARTICLE 4.

EMPLOYMENT OF CHILDREN AND FEMALES.

Section 105. Employment of children under the age of fourteen years prohibited.
106. Employment of children between the ages of fourteen and sixteen years.
107. Employment certificates; how issued.
108. Evidence of age.
109. Physical examination before issuance of employment certificate.
110. Examination by officer issuing employment certificate.
111. Contents of employment certificate.
112. Supervision over issuance of employment certificates.
113. Registers of children employed.
114. Employment of children apparently under the age of sixteen years.
115. Prohibited employment of children and females.
116. Employment of females in core rooms.
117. Prohibited employment of females after child birth.
118. Physical examination of children employed.
119. Physical examination of females.
120. Seats for female employees.

§ [70] *105.* Employment of [minors] *children under the age of fourteen years prohibited.* No child under the age of fourteen years shall be employed[, permitted or suffered to work] in or in connection with [any factory in this state,] or for any factory [at any place in this state.] *or in or in connection with any mercantile establishment, business office, telegraph office, restaurant, hotel, apartment-house, theatre or other place of amusement, bowling alley, barber shop, shoe-polishing establishment, or in the distribution or transmission of merchandise, articles or messages, or in the sale of articles.*

[No child between the ages of fourteen and sixteen years shall be so employed, permitted or suffered to work unless an employment certificate, issued as provided in this article, shall have been theretofore filed in the office of the employer at the place of employment of such child.] Nothing [herein] contained *in this*

section or in section one hundred and six shall prevent a person engaged in farming from permitting his children to do farm work for him upon his farm. Boys over the age of twelve *years* may be employed in gathering produce, for not more than six hours in any [one] day, subject to the requirements of chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," and all acts amendatory thereof.

§ *106. Employment of children between the ages of fourteen and sixteen. No child between the ages of fourteen and sixteen years shall be employed in or in connection with or for any factory, or in or in connection with any mercantile or other establishment or business specified in section one hundred and five unless an employment certificate, issued as provided in this article, is kept on file in the office of the employer at the place of employment of the child.*

On termination of the employment, the certificate shall, except where it has been cancelled under the provisions of section one hundred and eighteen, be surrendered by the employer to the child or its parent, guardian or custodian.

§ [71]*107.* Employment certificate, how issued. [Such] *The employment* certificate *required in section one hundred and six* shall be issued by the commissioner of health or the executive officer of the board or department of health of the city, town or village where such child resides, or is to be employed, or by such other officer thereof as may be designated by such board, department or commissioner for that purpose, upon the application of the parent, [or] guardian or custodian of the child desiring [such] employment. Such officer shall not issue [such] *the* certificate until he has received, examined, approved and filed the following papers duly executed*:* [viz.: The school record of such child properly filled out and signed as provided in this article; also, evidence of age showing that the child is fourteen years old or upwards, which shall consist of the evidence thereof provided in one of the following subdivisions of this section and which shall be required in the order herein designated as follows:

(a) Birth certificate: A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births, which certificate shall be conclusive evidence of the age of such child.

(b) Certificate of graduation: A certificate of graduation duly issued to such child showing that such child is a graduate of a public school of the state of New York or elsewhere, having a course of not less than eight years, or of a school in the state of New York other than a public school, having a substantially equivalent course of study of not less than eight years' duration, in which a record of the attendance of such child has been kept as required by article twenty of the education law, provided that the record of such school shows such child to be at least fourteen years of age.

(c) Passport or baptismal certificate: A passport or a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of such child.

(d) Other documentary evidence: In case it shall appear to the satisfaction of the officer to whom application is made, as herein provided, for an employment certificate, that a child for whom such certificate is requested, and who has presented the school record, is in fact over fourteen years of age, and that satisfactory documentary evidence of age can be produced, which does not fall within any of the provisions of the preceding subdivisions of this section, and that none of the papers mentioned in said subdivision can be produced, then and not otherwise he shall present to the board of health of which he is an officer or agent, for its action thereon, a statement signed by him showing such facts, together with such affidavits or papers as may have been produced before him constituting such evidence of the age of such child, and the board of health, at a regular meeting thereof, may then, by resolution, provide that such evidence of age shall be fully entered on the minutes of such board, and shall be received as sufficient evidence of the age of such child for the purpose of this section.

(e) Physicians' certificates: In cities of the first class only, in case application for the issuance of an employment certificate shall be made to such officer by a child's parent, guardian or custodian who alleges his inability to produce any of the evidence of age specified in the preceding subdivisions of this section, and if the child is apparently at least fourteen years of age, such officer may receive and file an application signed by the parent, guardian or custodian of such child for physicians' certificates. Such application shall contain the alleged age, place and date of birth, and

present residence of such child, together with such further facts as may be of assistance in determining the age of such child. Such application shall be filed for not less than ninety days after date of such application for such physicians' certificates, for an examination to be made of the statements contained therein, and in case no facts appear within such period or by such examination tending to discredit or contradict any material statement of such application, then and not otherwise the officer may direct such child to appear thereafter for physical examination before two physicians officially designated by the board of health, and in case such physicians shall certify in writing that they have separately examined such child and that in their opinion such child is at least fourteen years of age such officer shall accept such certificates as sufficient proof of the age of such child for the purposes of this section. In case the opinions of such physicians do not concur, the child shall be examined by a third physician and the concurring opinions shall be conclusive for the purpose of this section as to the age of such child.

Such officer shall require the evidence of age specified in subdivision (a) in preference to that specified in any subsequent subdivision and shall not accept the evidence of age permitted by any subsequent subdivision unless he shall receive and file in addition thereto an affidavit of the parent showing that no evidence of age specified in any preceding subdivision or subdivisions of this section can be produced. Such affidavit shall contain the age, place and date of birth, and present residence of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child further has personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. Every such employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued. In every case, before an employment certificate is issued, such

physical fitness shall be determined by a medical officer of the department or board of health, who shall make a thorough physical examination of the child and record the result thereof on a blank to be furnished for the purpose by the state commissioner of labor and shall set forth thereon such facts concerning the physical condition and history of the child as the commissioner of labor may require.]

1. *The evidence of age of the child.*

2. *The record of the physical examination of the child.*

3. *The child's school record certificate issued as provided in section six hundred and thirty of the education law.*

§ 108. *Evidence of age. The evidence of age shall show that the child is over the age of fourteen years, and shall be as provided in one of the following subdivisions:*

1. *Birth certificate. A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births.*

2. *Certificate of graduation. A certification of graduation showing that such child is a graduate of a public school having a course of not less than eight years, or of a school in the state of New York other than a public school, having a substantially equivalent course of study of not less than eight years, in which a record of the attendance of such child has been kept as required by article twenty of the education law.*

3. *Passport or baptismal certificate. A passport or a duly attested transcript of a certificate of baptism.*

4. *Other documentary evidence. If the child, for whom an application for an employment certificate is made, is apparently over the age of fourteen years and has presented his school record certificate, and if satisfactory documentary evidence of age can be produced which does not fall within any of the preceding subdivisions of this section, the officer issuing employment certificates shall present to the board of health of which he is an officer or agent, a statement signed by him showing such facts, together with such papers as may have been received by him constituting such evidence. The commissioner of health or the executive officer of the board or department of health may then accept such evidence as sufficient as to the age of such child, and such evidence shall be fully entered on the minutes of the board at the next meeting thereof.*

5. *Physicians' certificates. In cities of the first class only, if the child, for whom an application for an employment certificate is made, is apparently over the age of fourteen years the officer issuing employment certificates may receive and file an application signed by the parent, guardian or custodian of such child for physicians' certificates. The application for physicians' certificates shall contain the name, place and date of birth, and residence of the child, together with such further facts as may be of assistance in determining the age of such child, and shall remain on file for not less than ninety days. An examination shall be made of the statements contained therein, and if no facts appear within such period or by such examination tending to discredit or contradict any material statement in the application, the officer shall direct the child to appear thereafter for physical examination before two physicians designated by the board of health. If the physicians certify in writing that they have separately examined the child and that in their opinion the child is over the age of fourteen years such certificates shall be sufficient evidence as to the age of such child. If the opinions of the physicians do not concur, the child shall be examined by a third physician designated by the board of health and the concurring opinions shall be sufficient evidence as to the age of such child.*

The officer issuing employment certificates shall require the evidence of age in the order hereinabove designated and shall not accept the evidence permitted by any subdivision, other than subdivision one, unless he receives and files in addition thereto an affidavit of the parent, guardian or custodian of the child stating that no evidence specified in any preceding subdivision can be produced. Such affidavit shall contain the name, place and date of birth, and residence of the child, and shall be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath and who shall not demand or receive a fee therefor.

§ 109. Physical examination before issuance of employment certificate. A medical officer of the department or board of health shall make a thorough physical examination of every child for whom an application for an employment certificate is made. He shall record the result of such examination and such other facts concerning the child's physical condition and history as the commissioner may require on blanks to be prepared and furnished by the commissioner, and shall sign the record so made. The medical

officer shall file such record with the officer issuing employment certificates, and no employment certificate shall be issued unless such record states that the child is normally developed for a child of its age and is in sound health and physically fit to work.

§ *110. Examination by officer issuing employment certificates. No employment certificate shall be issued for any child unless the child has personally appeared before and been examined by the officer issuing the certificate, and unless such officer has, after making the examination, signed and filed in his office a statement that in his opinion the child is over the age of fourteen years and has reached the normal development of a child of its age, and is in sound health and is physically fit to work, and that it can read and legibly write simple sentences in the English language.*

§ [72] *111.* Contents of *employment* certificate. [Such] *The employment* certificate shall *contain the name, sex, nationality,* [state] the date and place of birth, [of the child, and describe the color of the hair and eyes,] the height and weight, *the color of hair and eyes* and any distinguishing [facial] *physical* marks of [such] *the* child and *shall certify* that the papers required by [the preceding] section *one hundred and seven* have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing the certificate and been examined. *It shall bear the date of its issue, and shall be signed by the officer issuing it and, in his presence, by the child for whom it is issued.*

§ [75] *112.* Supervision over issuance of *employment* certificates. [The board or department of health or health commissioner of a city, village or town,] *The officer issuing employment certificates* shall transmit, [between the first and] *on or before the* tenth day of each month, to the commissioner [of labor,] a list of the names of all children [to] *for* whom certificates have been issued during the preceding month, together with a duplicate [of the] record of [every] *all physical* examinations [as to the physical fitness,] *made under section one hundred and nine* including examinations resulting in rejection. In cities of the first and second class all employment certificates and school record[s] *certificates* required [under the provisions of] *by* this chapter shall be in [such] *a* form [as shall be] approved by the commissioner, [of

labor.] [In towns, villages or cities other than cities of the first or second class, the commissioner of labor shall prepare and furnish blank forms for such employment certificates and school records.] *and elsewhere they shall be on blank forms prepared and furnished by him.* No [school record or] employment certificate *or school record certificate* required by this [article,] *chapter,* other than those approved or furnished by the commissioner [of labor] as above provided, shall be used. The commissioner [of labor] shall inquire into the administration and enforcement of the provisions of this article by all public officers charged with the duty of issuing employment certificates, and for that purpose the commissioner [of labor] shall have access to all papers and records required to be kept by all such officers.

§ [76.] *113.* Regist[ry]*ers* of children employed. [Each person owning or operating a factory and employing children therein shall keep or cause to be kept in the office of such factory, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years. Such register and the certificate filed in such office shall be produced for inspection upon the demand of the commissioner of labor. On termination of the employment of a child so registered, and whose certificate is so filed, said certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian. The commissioner of labor may make demand on an employer in whose factory a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this article, that such employer shall either furnish him, within ten days, evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such factory. The commissioner of labor may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. A notice embodying such demand may be served on such employer personally or may be sent by mail addressed to him at said factory, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer

is a corporation such notice may be served either personally upon an officer of such corporation, or by sending it by post addressed to the office or the principal place of business of such corporation. The papers constituting such evidence of age furnished by the employer in response to such demand shall be filed with the commissioner of labor and a material false statement made in any such paper or affidavit by any person shall be a misdemeanor. In case such employer shall fail to produce and deliver to the commissioner of labor within ten days after such demand such evidence of age herein required by him, and shall thereafter continue to employ such child or permit or suffer such child to work in such factory, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this article that such child is under sixteen years of age and is unlawfully employed.] *The employer of children for whom employment certificates have been issued shall keep a register which shall contain the name, sex, nationality, date and place of birth, and place of residence of every child so employed. The register and the employment certificate kept on file in accord with section one hundred and six shall be produced for inspection upon the demand of the commissioner.*

§ *114. Employment of children apparently under the age of sixteen years. 1. If any child, apparently under the age of sixteen years, is employed in or in connection with or for any factory, or in or in connection with any mercantile or other establishment or business specified in section one hundred and five and no employment certificate for such child is on file with the employer, the commissioner may demand that the employer of such child shall furnish within ten days after demand evidence satisfactory to the commissioner that the child is over the age of sixteen years, or that he shall cease to employ the child. The commissioner may require the age of the child to be established in the manner prescribed in section one hundred and eight, and the employer furnishing evidence in such manner shall not be required to furnish any further evidence of the age of the child. The papers constituting such evidence shall be filed with the commissioner.*

2. The demand for evidence may be served personally upon the employer or, if the employer is a corporation, upon an officer thereof, or it may be sent by mail addressed to the employer at the

factory or mercantile or other establishment or, if the employer is a corporation, addressed to the office or principal place of business thereof. If it is sent by mail, it shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the mail.

3. If the employer fails to furnish such evidence within ten days after demand, and, after such ten days, continues to employ the child in or in connection with or for any factory, or in or in connection with any mercantile or other establishment or business specified in section one hundred and five, proof of the service of the demand and of the failure to furnish such evidence shall, in any prosecution brought for a violation of this article, be prima facie evidence that such child is under the age of sixteen years and is unlawfully employed.

§ [93]*115.* Prohibited employment of [women and] children *and females.* 1. No child under the age of sixteen years shall be employed [or permitted to work] in operating or assisting in operating any of the following machines:

a. [c]*C*ircular or band saws, woodshapers, woodjointers, planers, sandpaper or woodpolishing machinery;
b. [p]*P*icker machines or machines used in picking wool, cotton, hair or any upholstery material;
c. [p]*P*aper lace machines;
d. [b]*B*urnishing machines in any tannery or leather [manu-] factory;
e. [j]*J*ob or cylinder printing presses having motive power other than foot;
f. [w]*W*ood-turning or boring machinery;
g. [d]*D*rill presses;
h. [m]*M*etal or paper cutting machines;
i. [c]*C*orner staying machines in paper box factories;
j. [s]*S*tamping machines used in sheet metal and tinware manufacturing or in washer and nut factories;
k. [m]*M*achines used in making corrugating rolls;
l. [s]*S*team boilers;
m. [d]*D*ough brakes or cracker machinery [of any description];
n. [w]*W*ire or iron straightening machinery;
o. [r]*R*olling mill machinery;
p. [p]*P*ower punches or shears;

q. [w]*W*ashing, grinding or mixing machinery;
r. [c]*C*alendar rolls in rubber manufacturing;
s. [or l]*L*aundering machinery; [or in operating or assisting in operating]
t. [a]*A*ny other [machines or] machinery [which may be] found by the industrial board to be dangerous and *so* specified [as such from time to time] in *its* rules [and regulations adopted by such board].

2. No child under the age of sixteen years shall be employed [or permitted to work at] *in:*

a. [a]*A*djusting or assisting in adjusting any belt to any machinery;
b. [o]*O*iling or assisting in oiling, wiping or cleaning machinery;
[or in any capacity in]
c. [p]*P*reparing any composition in which dangerous or poisonous acids are used; [or in]
d. [The manufacture] *Manufacturing* or packing [of] paints, dry colors, or red or white lead; [or]
e. [d]*D*ipping or dyeing matches; [or in]
f. [The manufacture,] *Manufacturing,* packing or storing [of] powder, dynamite, nitroglycerine compounds, fuses, or other explosives; [or in]
g. [o]*O*r about any distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped, or bottled; [and]

3. No female under the age of sixteen shall be employed [or permitted to work] in any capacity where such employment compels her to remain standing constantly.

4. No child under the age of sixteen years shall be employed [or permitted] to have the care[, custody] or management of or to operate an elevator either for freight or passengers. No person under the age of eighteen years shall be employed [or permitted] to have the care[, custody] or management of or to operate an elevator either for freight or passengers running at a speed of over two hundred feet a minute.

5. No male [person] under *the age of* eighteen years [or woman] *nor any female* under twenty-one years of age shall be [permitted or directed] *employed or directed* to clean machinery while *it is* in motion.

6. No male [child] under the age of eighteen years, nor any female, shall be employed in any factory [in this state] in operating or using any emery, tripoli, rouge, corundum, stone, carborundum or [any] *other* abrasive, or emery polishing or buffing wheel, [where articles of the baser metals or of iridium are manufactured:] *in the manufacture of articles of the baser metals or iridium.*

7. No child under the age of sixteen years shall be employed in or in connection with any mine or quarry nor shall any female be employed in any mine or quarry.

[3]*8.* In addition to the cases provided for in the foregoing subdivisions, the industrial board, when as a result of its investigations it finds that any particular trade, process of manufacture, or occupation, or particular method of carrying on any trade, process of manufacture, or occupation, is dangerous or injurious to the health of minors under eighteen years of age employed therein, [shall have power to] *may* adopt rules [and regulations] prohibiting or regulating the employment of such minors therein.

[4. No female shall be employed or permitted to work in any brass, iron or steel foundry, at or in connection with the making of cores where the oven in which the cores are baked is located and is in operation in the same room or space in which the cores are made. The erection of a partition separating the oven from the space where the cores are made shall not be sufficient unless the said partition extends from the floor to the ceiling, and the partition is so constructed and arranged, and any openings therein so protected that the gases and fumes from the core oven will not enter the room or space in which the women are employed. The industrial board shall have power to adopt rules and regulations regulating the construction, equipment, maintenance and operation of core rooms and the size and weight of cores that may be handled by women, so as to protect the health and safety of women employed in core rooms.]

§ 116. *Employment of females in core-rooms. No female shall be employed in any foundry, at or in connection with the making of cores where the oven in which the cores are baked is located and is in operation in the same room or space in which the cores are made. The erection of a partition separating the oven from the space where the cores are made shall not be sufficient unless the partition extends from the floor to the ceiling, and the partition is*

so constructed and arranged, and any openings therein so protected that the gases and fumes from the core oven will not enter the room or space in which the women are employed. The industrial board shall adopt rules regulating the construction, equipment, maintenance and operation of core-rooms and the size and weight of cores that may be handled by women.

§ [93-a] *117. Prohibited* [E]employment of females after childbirth [prohibited]. [It shall be unlawful for the] *No* owner, proprietor, manager, foreman or other person in authority [of] *in* any factory, *or* mercantile establishment[, mill or workshop to] *shall* knowingly employ a female or permit a female to be employed therein within four weeks after she has given birth to a child.

§ [76-a] *118.* Physical examination of children [in factories; cancellation of employment certificates.] *employed.* 1. [All children] *Whenever required by the commissioner, every child* between *the ages of* fourteen and sixteen years [of age] employed in [factories] *establishments specified in section one hundred and five for whom an employment certificate has been issued* shall submit to a physical examination [whenever required] by a medical inspector of the [state] department [of labor]. The result of [all] such [physical] examinations shall be recorded on blanks [furnished for that purpose by the commissioner of labor,] and [shall be] kept on file in [such office or offices of] the department [as the commissioner of labor may designate].

2. If any such child [shall] fails to submit to such [physical] examination, *or if on examination the inspector finds the child physically unfit to be employed in the work in which he is engaged and submits a report to that effect which shall be kept on file in the department,* the commissioner [of labor] may issue an order cancelling [such] *the* child's employment certificate. Such order shall be served upon the *child's* employer [of such child] who shall forthwith deliver to [an authorized representative of] the department [of labor] the child's employment certificate. A certified copy of the order [of cancellation] shall be served on the board of health or other local authority that issued the [said] certificate. [No such child whose employment certificate has been cancelled, as aforesaid, shall, while said cancellation remains unrevoked, be permitted or suffered to work in any factory of the state before it attains the age of sixteen years.]

3. If [thereafter] such child [shall] *subsequently* submits to the physical examination required, [the commissioner of labor may issue an order revoking the cancellation of the employment certificate and may return the employment certificate to such child. Copies of the order of revocation shall be served upon the former employer of the child and the local board of health as aforesaid. 3. If as a result of the physical examination made by a medical inspector it appears that the child is physically unfit to be employed in a factory, such medical inspector shall forthwith submit a report to that effect to the commissioner of labor which shall be kept on file in the office of the commissioner of labor, setting forth in detail his reasons therefor, and the commissioner of labor may issue an order cancelling the employment certificate of such child. Such order of cancellation shall be served, and the child's employment certificate delivered up, as provided in subdivision two thereof, and no such child while the said order of cancellation remains unrevoked shall be permitted or suffered to work in any factory of the state before it attains the age of sixteen years.] *or* if upon a subsequent physical examination of the child [by a medical] *the* inspector [of the department of labor it appears] *finds* that the physical infirmities have been removed, [such medical inspector shall certify to that effect to the commissioner of labor, and] the commissioner [of labor] may [thereupon make] *file in the department* an order revoking [the] *such* cancellation [of the employment certificate] and may return the certificate to such child. *A certified copy of* the order [of revocation] shall be served [in the manner provided in subdivision two hereof.] *on the board of health or other local authority that issued the certificate.*

§ *119. Physical examination of females. Whenever a female is required to submit to a physical examination by a physician or surgeon, except under the provisions of sections one hundred and eight and one hundred and nine she shall be entitled to have the examination made by a person of her own sex. No employer shall require or attempt to require a female to submit to physical examination by a person not of her own sex.*

§ [17] *120.* Seats for female employees. [Every person employing females in a factory or as waitresses in a hotel or restaurant shall provide and maintain suitable seats, with proper backs where practicable, for the use of such female employees, and permit the use thereof by such employees to such an extent as

may be reasonable for the preservation of their health. Where females are engaged in work which can be properly performed in a sitting posture, suitable seats, with backs where practicable, shall be supplied in every factory for the use of all such female employees and permitted to be used at such work. The industrial board may determine when seats, with or without backs, are necessary and the number thereof.] *A sufficient number of chairs, stools or other suitable seats, with backs where practicable, shall be provided and maintained in every factory, mercantile establishment, hotel and restaurant for the use of the female employees therein, who shall be allowed to use the seats to such an extent as may be reasonable for the preservation of their health. In factories, female employees shall be allowed to use such seats whenever they are engaged in work which can be properly performed in a sitting posture. In mercantile establishments, at least one seat shall be provided for every three female employees and if the duties of such employees are to be principally performed in front of a counter, table, desk or fixture, such seats shall be placed in front thereof, or if such duties are to be principally performed behind such table, desk or fixture, such seats shall be placed behind the same.*

ARTICLE 5.

HOURS OF LABOR.

TITLE I. GENERAL.

Section 125. Hours to constitute a day's work.
126. Brickyards.
127. Street railroads.
128. Steam and other railroads.
129. Signalmen.
130. Messengers.
131. Time allowed for meals.
132. One day of rest in seven.

TITLE II. FACTORIES.

Section 135. Children under sixteen.
136. Males between sixteen and eighteen.
137. Females over sixteen.
138. Females over eighteen in canneries.
139. Period of rest at night for women.
140. Enforcement of this title.

TITLE III. MERCANTILE AND OTHER ESTABLISHMENTS.

Section 142. Children under sixteen.
143. Females over sixteen.

TITLE I. GENERAL.

§ 125. Hours to constitute a day's work. Unless otherwise provided by law, the following number of hours shall constitute a legal day's work:

1. For street surface and elevated railroad employees affected by section one hundred and twenty-seven, ten consecutive hours, including one-half hour for dinner.

2. For employees engaged in the operation of steam or electric surface, subway or elevated railroads where the mileage system of running trains is not in use, except those employees affected by section one hundred and twenty-nine, ten hours, performed within twelve consecutive hours.

3. For all other employees, except those engaged in farm or domestic service and those affected by subdivision four of section one hundred and fifty, eight hours.

This section does not prevent an agreement for overwork at an increased compensation, except upon work by or for the state or a municipal corporation, or by contractors or subcontractors therewith.

§ [5]*126.* Hours of labor in brickyards. Ten hours, exclusive of the necessary time for meals, shall constitute a legal day's work in the making of brick in brickyards owned or operated by corporations. No corporation owning or operating such brickyard shall require employees to work more than ten hours in any one day, or to commence work before seven o'clock in the morning. But overwork and work prior to seven o'clock in the morning for extra compensation may be performed by agreement between employer and employee.

§ [6] *127.* [Hours of labor on s]*S*treet [surface and elevated] railroads. [Ten consecutive hours' labor, including one-half hour for dinner, shall constitute a day's labor in the operation of all street surface and elevated railroads, of whatever motive power, owned or operated by corporations in this state, whose main line of travel, or whose routes lie principally within the corporate limits of cities of the first and second class. No

employees of any such corporation shall be permitted or allowed to work more than ten consecutive hours, including one-half hour for dinner, in any one day of twenty-four hours. In cases of accident or unavoidable delay, extra labor may be performed for extra compensation.] *Except in cases of accident or unavoidable delay, no employee engaged in the operation of a street surface or elevated railroad of whatever motive power, owned or operated by a corporation, whose main line or route of travel lies principally within a city of the first or second class, shall be employed more than ten consecutive hours, including one-half hour for dinner, in any day.*

§ [7] *128.* [Regulation of hours of labor on s]*S*team [surface] and other railroads. [Ten hours' labor, performed within twelve consecutive hours, shall constitute a legal day's labor in the operation of steam surface, electric, subway and elevated railroads operated within the state, except where the mileage system of running trains is in operation.] *1.* No person or corporation operating any [such] *steam or electric surface, subway or elevated* railroad of thirty miles *or more* in length, [or over, in whole or in part] *wholly or partly* within this state, *except where the mileage system of running trains is in operation,* shall permit or require any conductor, engineer, fireman, trainman, motorman or assistant motorman, engaged in or connected with the movement of any train on [any] such railroad, to be or remain on duty for a longer period than sixteen consecutive hours.[, and w]*W*henever any such [conductor, engineer, fireman, trainman, motorman or assistant motorman] *employee* shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty. [and n]*N*o such [conductor, engineer, fireman, trainman, motorman or assistant motorman] *employee* who has been on duty sixteen hours in the aggregate in any twenty-four hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty. [, except]

2. This section does not apply to any such employee when *(a)* by casualty occurring after he [has] started on his trip, [and except when] *or (b) by unknown casualty occurring before he started on his trip, or (c)* by accident *to* or unexpected delay of trains scheduled to make connection with the train on which he is serving, he is prevented from reaching his terminal. [The

commissioner of labor shall appoint a sufficient number of inspectors to enforce the provisions of this section.]

§ [8] *129.* [Regulation of hours of labor of block system telegraph and telephone operators and s]Signalmen. [on surface, subway and elevated railroads. The provisions of section seven of this chapter shall not be applicable to employees mentioned herein. It shall be unlawful for any corporation or receiver, operating a line of railroad, either surface, subway or elevated, in whole or in part in the state of New York, or any officer, agent or representative of such corporation or receiver to require or permit any telegraph or telephone operator who spaces trains by the use of the telegraph or telephone under what is known and termed the "block system" (defined as follows): Reporting trains to another office or offices or to a train dispatcher operating one or more trains under signals, and telegraph or telephone levermen who manipulate interlocking machines in railroad yards or on main tracks out on the lines or train dispatchers in its service whose duties substantially, as hereinbefore set forth, pertain to the movement of cars, engines or trains on its railroad by the use of the telegraph or telephone in dispatching or reporting trains or receiving or transmitting train orders as interpreted in this section, to be on duty for more than eight hours in a day of twenty-four hours, and it is hereby declared that eight hours shall constitute a day of employment for all laborers or employees engaged in the kind of labor aforesaid; except in cases of extraordinary emergency caused by accident, fire, flood or danger to life or property, and for each hour of labor so performed in any one day in excess of such eight hours, by any such employee, he shall be paid in addition at least one-eighth of his daily compensation. Any person who is employed as signalman, towerman, gateman, telegraph or telephone operator in a railroad signal tower or public railroad station to receive or transmit a telegraphic or telephonic message or train order for the movement of trains and who works eight hours or more in any twenty-four each and every day continuously, and all gatemen so employed must have at least two days of twenty-four hours each in every calendar month for rest with the regular compensation; subject to the foregoing provisions relating to extra service in cases of emergency. Any person or persons, company or corporation, who shall violate any of the provisions of this section, shall, on conviction, be fined in the sum of not less than one hundred dollars,

and such fine shall be recovered by an action in the name of the state of New York, for the use of the state, which shall sue for it against such person, corporation or association violating this section, said suit to be instituted in any court in this state having appropriate jurisdiction. Such fine, when recovered as aforesaid, shall be paid without any deduction whatever, one-half thereof to the informer, and the balance thereof to be paid into the free school fund of the state of New York. The provisions of this section shall not apply to any part of a railroad where not more than eight regular passenger trains in twenty-four hours pass each way; provided, moreover, that where twenty freight trains pass each way generally in each twenty-four hours then the provisions of this section shall apply, notwithstanding that there may pass a less number of passenger trains than hereinbefore set forth, namely eight.]

1. The term "signalman" when used in this section means:

a. A telegraph or telephone operator who reports trains to another office or to a train dispatcher operating one or more trains under signals.

b. A telegraph or telephone leverman who manipulates interlocking machines in railroad yards or on main tracks out on the lines.

c. A train dispatcher whose duties pertain to the movement of cars, engines or trains, by use of the telegraph or telephone in dispatching or reporting trains or receiving or transmitting train orders.

2. The term "railroad" when used in this section means any portion of a surface, subway or elevated railroad situated wholly or partly in this state and operated by a corporation or receiver on which portion at least twenty freight trains on the average or nine regular passenger trains pass each way in every twenty-four hours.

3. No signalman shall be employed on any railroad for more than eight hours in any day except in cases of extraordinary emergency caused by accident, fire, flood or danger to life or property and he shall be paid for each hour of such overtime at least one-eighth of his daily compensation.

4. Every signalman and every towerman or gateman performing duties similar to those of a signalman, who is employed for eight

hours or more every day shall be allowed at least two days of rest of twenty-four hours each in every calendar month with the regular compensation, except in cases of extraordinary emergency caused by accident, fire, flood, or danger to life or property.

§ [161-a.] *130.* [Hours of labor of m]*M*essengers. In cities of the first or second class no person under the age of twenty-one years shall be employed [or permitted to work] as a messenger for a telegraph or messenger company in the distribution, transmission or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening [of any day].

§ [89] *131.* Time allowed for meals. *Every person employed* in [each] *or in connection with any* factory, *mercantile or other establishment specified in section one hundred and five shall be allowed* at least sixty minutes [shall be allowed] for the noonday meal, unless the commissioner [of labor] shall permit a shorter time. Such permit [must] *shall* be in writing and *shall be kept* conspicuously posted in the main entrance of the [factory] *establishment* [and] *but it* may be revoked at any time. Where [employees are required or permitted to work] *any person is employed* overtime [for more than one hour] after [six] *seven* o'clock in the evening, [they] *he shall* be allowed at least twenty minutes to obtain a lunch, before beginning to work overtime.

§ [8-a] *132.* One day of rest in seven. 1. Every employer [of labor engaged in carrying on any] *operating a* factory or mercantile establishment [in this state] shall allow every person, except those specified in subdivision two, employed in *or in connection with* such factory or mercantile establishment at least twenty-four consecutive hours of rest in every seven consecutive days. No employer shall operate any such factory or mercantile establishment on Sunday unless he [shall have] *has* complied with subdivision three. [Provided, however, that t]*T*his section [shall] *does* not authorize any work on Sunday not now or hereafter authorized by law.

2. [This section shall not apply to

(a) Janitors;

(b) Watchmen;

(c) Employees whose duties include not more than three hours' work on Sunday in (1) setting sponges in bakeries; (2) caring

for live animals; (3) maintaining fires; (4) necessary repairs to boilers or machinery.

(d) Superintendents or foremen in charge.] *This section does not apply to males over the age of eighteen years employed as janitors, watchmen, superintendents or foremen in charge, nor to male employees over the age of eighteen years whose duties include not more than three hours' work on Sunday in (a) setting sponges in bakeries; (b) caring for live animals; (c) maintaining fires, (d) making necessary repairs to boilers or machinery.*

3. Before operating on Sunday, every employer shall post in a conspicuous place on the premises a schedule containing a list of his employees who are required or allowed to work on Sunday and designating the day of rest for each, and shall file a copy of such schedule with the commissioner [of labor]. The employer shall promptly file with the [said] commissioner a copy of every change in such schedule. No [employee] *person* shall be [required or allowed to work] *employed* on the day of rest so designated for him.

4. Every employer shall keep a time-book, *in a form approved by the commissioner,* showing the names and addresses of all employees and the hours worked by each of them in each day[, and such time-book shall be open to inspection by the commissioner of labor].

5. The industrial board at any time when the preservation of property, life or health requires, may except specific cases for specified periods from the provisions of this act by written orders which shall be recorded as public records.

TITLE II. FACTORIES.

§ 135. Children under sixteen. No child under the age of sixteen years shall be employed in or in connection with a factory before eight o'clock in the morning, or after five o'clock in the evening or more than eight hours in any day, or more than six days in any week.

§ 136. Males between sixteen and eighteen. No male over the age of sixteen years and under the age of eighteen years shall be employed in a factory, except in canning or preserving perishable products between the fifteenth day of June and the fifteenth day of October in each year,

(a) More than six days or fifty-four hours in any week;

(b) More than nine hours in any day, except that he may be employed not more than ten hours in any day,

(1) Regularly on not more than five days a week in order to make a short day or holiday on one of the six working days of the week; or

(2) Irregularly on not more than three days a week.

In no case shall such person be employed between the hours of twelve midnight and four o'clock in the morning.

§ 137. Females over sixteen. No female over the age of sixteen years shall be employed in a factory, except as provided in section one hundred and thirty-eight,

(a) More than six days or fifty-four hours in any week;

(b) More than nine hours in any day, except that she may be employed not more than ten hours in any day,

(1) Regularly on not more than five days a week in order to make a short day or holiday on one of the six working days of the week; or

(2) Irregularly on not more than three days a week.

In no case shall a female under the age of twenty-one years be employed in a factory before six o'clock in the morning or after nine o'clock in the evening.

§ [78] *138.* [Exceptions] *Females over eighteen in canneries.* [1. A female sixteen years of age or upwards and a male between the ages of sixteen and eighteen may be employed in a factory more than nine hours a day: (a) regularly in not to exceed five days a week, in order to make a short day or holiday on one of the six working days of the week; (b) irregularly in not to exceed three days a week; provided that no such person shall be required or permitted to work more than ten hours in any one day or more than fifty-four hours in any one week, and that the provisions of the preceding section as to notice or time book be fully complied with.

2. The provisions of subdivision two of section seventy-seven relating to maximum hours shall not apply to the employment of male minors sixteen years of age and upwards in canning or preserving perishable products in fruit and canning establishments between the fifteenth day of June and the fifteenth day of October each year.

3. A female eighteen years of age or upwards may, notwithstanding the provisions of subdivision three of section seventy-seven of this chapter, be employed in canning or preserving perishable products in fruit and canning establishments between the fifteenth day of June and the fifteenth day of October in each year not more than six days or sixty hours in any one week nor more than ten hours in any one day; and the industrial board shall have power to adopt rules and regulations permitting the employment of women eighteen years of age and upwards on such work in such establishments between the twenty-fifth day of June and the fifth day of August in each year not more than six days nor more than sixty-six hours in any one week nor more than twelve hours in any one day, if said board shall find that such employment is required by the needs of such industry and can be permitted without serious injury to the health of women so employed. The provisions of this subdivision shall have no application unless the daily hours of labor shall be posted for the information of employees and a time book in a form approved by the commissioner of labor, giving the names and addresses of all female employees and the hours of work by each of them in each day shall be properly and correctly kept and shall be exhibited to him or any of his subordinates promptly upon demand. No person shall knowingly make or permit or suffer to be made a false entry in any such time book.

4. In a prosecution for a violation of any provision of this or of the preceding section the burden of proving a permit or exception shall be upon the party claiming it.] *A female over the age of eighteen years may be employed in canning or preserving perishable products between the fifteenth day of June and the fifteenth day of October in each year not more than ten hours in any day nor more than six days or sixty hours in any week, but the industrial board may adopt rules permitting such employment between the twenty-fifth day of June and the fifth day of August in each year not more than twelve hours in any day nor more than six days or sixty-six hours in any week, if it finds that such employment is required by the needs of the industry and can be permitted without serious injury to the health of the women so employed.*

§ [93-b] *139.* Period of rest at night for women. In order to protect the health and morals of females employed in factories by providing an adequate period of rest at night no woman shall be employed or permitted to work in any factory [in this state] before six o'clock in the morning or after ten o'clock in the evening of any day.

§ [77] *140.* [Hours of labor of children, minors and women] *Enforcement of this title.* [1. No child under the age of sixteen years shall be employed or permitted to work in or in connection with any factory in this state before eight o'clock in the morning, or after five o'clock in the evening of any day, or for more than eight hours in any one day, or more than six days in any one week.

2. No male minor under the age of eighteen years shall be employed or permitted to work in any factory in this state more than six days or fifty-four hours in any one week, or for more than nine hours in any one day, except as hereinafter provided; nor between the hours of twelve midnight and four o'clock in the morning.

3. No female minor under the age of twenty-one years and no woman shall be employed or permitted to work in any factory in this state more than six days or fifty-four hours in any one week; nor for more than nine hours in any one day except as hereinafter provided. No female minor under the age of twenty-one years shall be employed or permitted to work in any factory in this state before six o'clock in the morning or after nine o'clock in the evening of any day.]

[4] *1.* A [printed] notice, [in] *on* a [form which shall be] *blank* furnished by the commissioner [of labor], stating the number of hours per day for each day of the week required of [such] *all* persons *subject to the provisions of this title,* and the time when such work shall begin and end, shall be kept posted in a conspicuous place in each room where they are employed. [But such persons may begin their work after the time for beginning and stop before the time for ending such work, mentioned in such notice, but they shall not otherwise be employed, permitted or suffered to work in such factory except as stated therein.]

The terms of [such] *the* notice shall not be changed after the beginning of labor on the first day of the week without the consent of the commissioner [of labor]. The presence of *any* such

person[s] in the factory at any other hours than those stated in the [printed] notice, or, if no such notice [be] *is* posted, before seven o'clock in the morning or after six o'clock in the evening, shall constitute prima facie evidence of a violation of [this] *the* section *relating to the hours of labor of such person.*

[5] *2.* In a factory wherein, owing to the nature of the work, it is practically impossible to fix the hours of labor weekly in advance the commissioner [of labor], upon *an* [proper] application stating facts showing the necessity therefor, shall grant a permit dispensing with the notice [hereinbefore] required *in this section.* [upon condition that]

3. In every factory operating under such a permit, or employing females under section one hundred and thirty-eight, a notice stating the daily hours of labor *shall* be posted for the information of employees and [that] a time book in a form to be approved by [him] *the commissioner,* giving the names and addresses of all [female] employees *who are subject to this section,* and the hours worked by each of them in each day, shall be [properly and correctly] kept[, and shall be exhibited to him or any of his subordinates promptly upon demand. Such].

4. The permit shall be kept posted in [such] *a conspicuous* place in [such] *the* factory. [as such commissioner may prescribe, and may be revoked by such] *The* commissioner [at any time] *may revoke the permit* for failure to [post] *keep* it or the daily hours of labor *posted,* or to keep [or exhibit such] *the* time book as herein provided.

[6]*5.* Where a female or male minor is employed in two or more factories or mercantile establishments, *or in one factory and one mercantile establishment,* in the same day or week the total time of employment must not exceed that allowed per day or week in a single factory or mercantile establishment; and any person who shall require or permit a female to work in a factory between the hours of six o'clock in the evening and seven o'clock in the morning in violation of the provisions of this subdivision of this section, with or without knowledge of the previous or other employment, shall be liable for a violation thereof.

6. In a prosecution for a violation of any provision of this title the burden of proving a permit or exception shall be upon the party claiming it.

TITLE III. MERCANTILE AND OTHER ESTABLISHMENTS.

§ [161.]*142.* [Hours of labor of minors.] *Children under sixteen.* No child under the age of sixteen years shall be employed[, permitted or suffered to work] in or in connection with any mercantile establishment, business office, or telegraph office, restaurant, hotel, apartment-house, theatre or other place of amusement, bowling alley, barber shop, shoe-polishing establishment, or in the distribution or transmission of merchandise, articles or messages, or in the [distribution or] sale of articles [more than six days or fifty-four hours in any one week, or more than nine hours in any one day, or before eight o'clock in the morning or after seven o'clock in the evening of any day. The foregoing provision shall not apply to any employment prohibited or regulated by section four hundred and eighty-five of the penal law. No female employee shall be required, permitted or suffered to work in or in connection with any mercantile establishment in any second class city more than fifty-four hours in any one week, and elsewhere more than sixty hours in any one week; or more than nine hours in any one day in any second class city; or elsewhere more than ten hours in any one day, unless for the purpose of making a shorter work day of some one day of the week; or before seven o'clock in the morning or after six o'clock in the evening of any day in any second class city, or elsewhere after ten o'clock in the evening of any day. This section does not apply to the employment of persons sixteen years of age or upward on Saturday, provided the total number of hours of labor in a week of any such person does not exceed fifty-four hours in any second class city or elsewhere sixty hours, nor to the employment of persons during the five days preceding the twenty-fifth day of December in any second class city, or elsewhere between the eighteenth day of December and the following twenty-fourth day of December, both inclusive. Not less than forty-five minutes shall be allowed for the noonday meal of the employees of any such establishment. Whenever any employee is employed or permitted to work after seven o'clock in the evening, such employee shall be allowed at least twenty minutes to obtain lunch or supper between five and seven o'clock in the evening.]

(*a*) *More than six days or forty-eight hours in any week;*

(*b*) *Before eight o'clock in the morning or after six o'clock in the evening;*

(*c*) *More than eight hours in any day.*

This section does not apply to any employment prohibited or regulated by section four hundred and eighty-five of the penal law.

§ 143. Females over sixteen. Except from the eighteenth day of December to the following twenty-fourth day of December, both inclusive, no female over the age of sixteen years shall be employed in or in connection with any mercantile establishment.

(a) More than six days or fifty-four hours in any week;

(b) Before seven o'clock in the morning or after ten o'clock in the evening;

(c) More than nine hours in any day, except that she may be employed more than nine hours per day in order to make a short day or holiday of one of the six working days of the week.

ARTICLE 6.

PAYMENT OF WAGES.

Section 145. Cash payment of wages.
146. When wages are to be paid.
147. Assignment of future wages.

§ [10]*145.* Cash payment of wages. [Every manufacturing, mining, quarrying, mercantile, railroad, street railway, canal, steamboat, telegraph and telephone company, every express company, every corporation engaged in harvesting and storing ice, and every water company, not municipal, and every person, firm or corporation, engaged in or upon any public work for the state or any municipal corporation thereof, either as a contractor or a subcontractor therewith, shall pay to each employee engaged in his, their or its business the wages earned by such employee in cash. No such company, person, firm or corporation shall hereafter pay such employees in scrip, commonly known as store money-orders. No person, firm or corporation engaged in carrying on public work under contract with the state or with any municipal corporation of the state, either as a contractor or subcontractor therewith, shall, directly or indirectly, conduct or carry on what is commonly known as a company store if there shall, at the time be any store selling supplies, within two miles of the place where such contract is being executed. Any person, firm or corporation violating the provisions of this section shall be guilty of a mis-

demeanor.] *1. The following employers shall pay in cash to each employee engaged in their respective businesses the wages earned by such employee:*

(a) Manufacturing, mining, quarrying, mercantile, railroad, street railway, steamboat, canal, telegraph, telephone or express corporations or joint-stock associations.

(b) Nonmunicipal water corporations or joint-stock associations.

(c) Corporations or joint-stock associations engaged in harvesting or storing ice.

2. No such employer shall pay such employees in scrip commonly known as store money-orders.

§ [11]*146.* When wages are to be paid. *1.* [Every corporation or joint-stock association, or person carrying on the business thereof by lease or otherwise, shall pay weekly to each employee the wages earned by him to a day not more than six days prior to the date of such payment. But e]*Every* [person or] corporation *or joint-stock association* operating a steam surface railroad*, or person carrying on the business thereof by lease or otherwise* shall, on or before the first day of each month, pay [the] *to each* employee[s thereof] the wages earned by [them] *him* during the first half of the preceding *calendar* month ending with the fifteenth day thereof, and on or before the fifteenth day of each month pay [the] *to each* employee[s thereof] the wages earned by [them] *him* during the last half of the preceding calendar month.

2. Every other corporation or joint-stock association, or person carrying on the business thereof by lease or otherwise, shall pay weekly to each employee the wages earned by him to a day not more than six days prior to the date of such payment.

3. No person shall require from any employee as a condition of employment any agreement to accept wages at other periods than as provided in this section.

§ [13]*147.* Assignment of future wages. No assignment of future wages, [payable weekly, or monthly in case of a steam surface railroad corporation,] *affected by the provisions of section one hundred and forty-six,* shall be valid if made to the [corporation or association from which such wages are to become due,] *em-*

ployer or to any person on [its] behalf *of the employer,* or if made or procured to be made to any person for the purpose of relieving [such corporation or association] *the employer* from the railroad corporation] *wages as provided by such section.* Charges obligation to pay [weekly, or monthly in case of a steam surface for groceries, provisions or clothing shall not be a valid off-set [for wages] in behalf of *the employer against wages.* [any such corporation or association. No such corporation or association shall require any agreement from any employees to accept wages at any other periods than as provided in this article as a condition of employment.]

ARTICLE 7.

PUBLIC WORK.

Section 150. Hours and wages.
151. Company stores.
152. Preference in employment of persons upon public works.
153. Enforcement of article.
154. Proceedings for noncompliance.

§ [3] *150.* [Hours to constitute a day's work] *1. Hours and wages.* [Eight hours shall constitute a legal day's work for all classes of employees in this state except those engaged in farm and domestic service unless otherwise provided by law. This section does not prevent an agreement for over work at an increased compensation except upon work by or for the state or a municipal corporation, or by contractors or subcontractors therewith.] *1.* Each contract to which the state or a municipal corporation or a commission appointed pursuant to law is a party which may involve the employment of laborers, workmen or mechanics shall contain a stipulation that no laborer, workmen or mechanic in the employ of the contractor, subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be permitted or required to work more than eight hours in any [one calendar] day except in cases of extraordinary emergency caused by fire, flood or danger to life or property. *No such person shall be employed more than eight hours in any day except in such emergency.*

2. The wages to be paid for *such* a [legal] day's work [as hereinbefore defined] to all [classes of] such laborers, workmen or mechanics upon all such public works, or upon any material to be used upon or in connection therewith, shall not be less than the prevailing rate for a day's work in the same trade or occupation in the locality within the state where such public work on, about or in connection with which such labor is performed in its final or completed form is to be situated, [erected or used; nor in any case, less than two dollars per day i] *and shall be paid in cash. If* such [laborers, workmen or mechanics] *persons* are employed upon[, about] or in connection with the canals of the state, or in the construction[, enlargement] or improvement [of canals] *thereof, such wages shall be not less than two dollars a day.* Each such contract [hereafter made] shall contain a stipulation that each such laborer, workman or mechanic, employed by such contractor, subcontractor or other person [on,] about or upon such public work, shall receive [such] *the* wages herein provided for.

3. Each contract for such public work [hereafter made] shall contain a provision that the same shall be void and of no effect unless the person or corporation making or performing the same shall comply with the provisions of this section; and no such person or corporation shall be entitled to receive any sum nor shall any officer, agent or employee of the state or of a municipal corporation pay the same or authorize its payment from the funds under his charge or control to any such person or corporation for work done upon any contract, which in its form or manner of performance violates the provisions of this section. [but nothing in t]

*4. T*his section shall [be construed to] *not* apply to

a. [s]*S*tationary firemen in state hospitals, [nor to]

b. [o]*O*ther persons regularly employed in state institutions, except mechanics, [nor shall it apply to]

c. [e]*E*ngineers, electricians and elevator men in the department of public buildings during the annual session of the legislature, [nor to]

d. Employees engaged in the construction, maintenance and repair of highways outside the limits of cities and villages.

§ *151. Company stores. No person engaged in carrying on public work under contract with the state or with any municipal corporation either as a contractor or subcontractor shall, directly or indirectly, conduct what is commonly known as a company store if there is any store selling supplies, within two miles of the place where such contract is being executed.*

§ [141] *152.* Preference in employment of persons upon public works. In the construction of public works by the state or a municipality, only citizens of the United States shall be employed.[; and in all cases w] *W*here laborers are employed on any such public works, preference shall be given citizens of the state of New York. In each contract for the construction of public works a provision shall be inserted to the effect that, if the provisions of this section are not complied with, the contract shall be void. All boards, officers, agents or employees of cities of the first class [of the state,] having the power to enter into contracts which provide for the expenditure of public money on public works, shall file in the office of the commissioner [of labor] the names and addresses of all contractors holding contracts with said cities [of the state]. [Upon the letting of new contracts the names and addresses of such new contractors shall likewise be filed.] Upon the demand of the commissioner [of labor] a contractor shall furnish a list of the names and addresses of all subcontractors in his employ. Each contractor performing work for any city of the first class shall keep a list of his employees, [in which it shall be set forth] *stating* whether they are naturalized or native born citizens of the United States, together with, in case of naturalization, the date of naturalization and the name of the court where such naturalization was granted. [Such lists and records shall be open to the inspection of the commissioner of labor. A violation of this section shall constitute a misdemeanor and shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not less than thirty days nor more than ninety days, or by both such fine and imprisonment.]

§ [21] *153.* [Commissioner of labor to e] *Enforcement* [provisions] of article. [The commissioner of labor shall enforce all the provisions of this article. He shall investigate complaints made to him of violations of such provisions and if he finds that such complaints are well founded he shall issue an order directed to the person or corporation complained of, requiring such person

or corporation to comply with such provisions. If such order is disregarded the commissioner of labor shall present to the district attorney of the proper county all the facts ascertained by him in regard to the alleged violation, and all other papers, documents or evidence pertaining thereto, which he may have in his possession. The district attorney to whom such presentation is made shall proceed at once to prosecute the person or corporation for the violations complained of, pursuant to this chapter and the provisions of the penal law. If complaint is made to the commissioner of labor that any person contracting with the state or a municipal corporation for the performance of any public work fails to comply with or evades the provisions of this article respecting the payment of the prevailing rate of wages, the requirements of hours of labor or the employment of citizens of the United States or of the state of New York,] *If* the commissioner [of labor shall if he] finds [such complaints to be well founded] *that any provision of this article has been violated, he shall* present evidence of such noncompliance to the officer, department or board having charge of such work. Such officer, department or board shall thereupon take the proper proceedings to revoke the contract of the person *violating* [failing to comply with or evading] such provisions.

§ [4]*154.* [Violations of the labor law] *Proceedings for nonenforcement.* Any officer, agent or employee of this state or of a municipal corporation therein having a duty to act in the premises who violates, [evades] or knowingly permits the violation [or evasion] of any of the provisions of this [chapter] *article* shall be guilty of malfeasance in office and shall be suspended or removed by the authority having power to appoint or remove such officer, agent or employee; otherwise by the governor. Any citizen of this state may maintain proceedings for the suspension or removal of such officer, agent or employee or may maintain an action for the purpose of securing the cancellation or avoidance of any contract which by its terms or manner of performance violates this [chapter] *article* or for the purpose of preventing any officer, agent or employee of such municipal corporation from paying or authorizing the payment of any public money for work done there[upon] *under.*

ARTICLE 8.

EMPLOYMENT AGENCIES AND IMMIGRANT LODGING HOUSES.

Section 160. Definitions.
161. Registration of employment agencies.
162. Records of employment agencies.
163. Immigrant lodging houses to be licensed.
164. Issuance of immigrant lodging-house license.
165. Rate of charges to be posted and filed.

[§ 155. Registration and reports of employment agencies.]

§ *160. Definitions.* The term "employment agency" as used in this [act] *article* [shall] includes any person, firm, corporation or association regularly engaging in the business of negotiating labor contracts or of receiving applications for help or labor, or for [places or positions,] *employment,* excepting such as shall conduct agencies exclusively for procuring employment for teachers, for incumbents of technical, clerical or executive positions, for vaudeville, or theatrical performers, musicians or nurses, and also excepting bureaus conducted by registered agricultural or medical institutions, and excepting also departments maintained by persons, firms, corporations or associations for the purpose of securing help for themselves where no fee is charged the applicant for employment. [All employment agencies other than those herein excepted shall on or before the first day of October, nineteen hundred and ten, and annually thereafter, file with the commissioner of labor a statement containing the name of the person, firm, corporation or association conducting such agency, the street and number of the place where the same shall be conducted and showing whether said agency is licensed or unlicensed, and if licensed, specifying the date and duration of the license, by whom granted and the number thereof. Such statements shall be registered by the commissioner. Every such employment agency shall keep in the office thereof a full record of the country of the birth of those for whom places or positions are secured, their length of residence in this country, and the name and address of the person, firm or corporation to whom the persons for whom such places or positions are secured shall be sent, the occupation for which employment shall be secured, and the compensation to be paid to the person employed. The books and records of every

such agency shall at all reasonable hours be subject to examination by the commissioner of labor. Any person who shall fail to register with the commissioner of labor or to keep books or records shall be guilty of a misdemeanor and shall be punishable for the first offense by a fine of not less than ten dollars, nor more than twenty-five dollars, and for every subsequent offense by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.]

The term "immigrant lodging house," as used in this article, includes any place, boarding house, lodging-house, inn or hotel where immigrants or emigrants while in transit, or aliens are received, lodged, boarded or harbored, but does not include any place maintained or conducted by a charitable, philanthropic or religious society, association or corporation. Nothing contained herein applies to temporary sleeping quarters in labor or construction camps.

§ 161. Registration of employment agencies. Every employment agency shall annually, on or before the first day of October, file with the commissioner a statement containing the name of the person, firm, corporation or association conducting such agency, and the address of the agency, and showing whether the agency is licensed or unlicensed, and if licensed, specifying the date and duration of the license, by whom granted and the number thereof.

§ 162. Records of employment agencies. Every employment agency shall keep in its office a record containing the name, age and country of birth of every person for whom employment is secured, his length of residence in this country, and the name and address of the person, firm or corporation by whom he is so employed, the nature of the employment, and the compensation to be paid to the person so employed.

§ [156. The licensing and regulation of immigrant lodging places.] *163. Immigrant lodging houses to be licensed.* [1] No person shall [hereafter] directly or indirectly, [own] conduct or keep an immigrant lodging [place] *house* without [having first obtained from the commissioner of labor] a license [therefor. Before receiving such license the applicant therefor shall file with the commissioner of labor, in such form as he may prescribe, a statement certified by such applicant, or if said applicant is a corporation, by one of its officers, designating the location of the

immigrant lodging place for which a license shall be requested, and specifying the number of boarders or lodgers received by said applicant at any one time during the year preceding such application at the place for which a license is sought, or if no business shall have previously been conducted at said place the maximum number of boarders or lodgers which it will accommodate. With such application there shall be presented to the commissioner of labor proof of the good moral character of the applicant, and in case such applicant is a corporation, of its officers, and in addition thereto, in the discretion of the commissioner of labor, a bond to the people of the state of New York, with two or more sureties or of a surety company approved by the commissioner of labor, conditioned that the obligor shall obey all laws, rules and regulations applicable to such immigrant lodging place prescribed by any lawful authority, and that such obligor shall discharge all obligations and pay all damages, loss and injuries which shall accrue to any person or persons dealing with such licensee, by reason of any contract or other obligation of such licensee, or resulting from any fraud or deceit, conversion of property, oppression, excessive charges, or other wrongful act of said licensee or of his servants or agents in connection with the business so licensed. Where the number of boarders or lodgers specified in said application shall not exceed ten persons the penalty of said bond shall be one hundred dollars, where it shall be more than ten and less than fifty persons it shall be two hundred and fifty dollars, and where the number shall be more than fifty it shall be five hundred dollars. Any person aggrieved may bring an action for the enforcement of such bond in any court of competent jurisdiction. On the approval of the application for said license and of the bond filed therewith the commissioner of labor shall issue a license authorizing the applicant to own, conduct and manage an immigrant lodging place at the place designated in the application and to be specified in the license certificate. For such license the applicant shall pay to the commissioner of labor a fee of five dollars where the number of boarders or lodgers stated in the application does not exceed ten, a fee of ten dollars where such number exceeds ten and does not exceed fifty, and a fee of twenty-five dollars where such number exceeds fifty. Such license shall not be transferable without the consent of the commissioner of labor, nor authorize the conduct of an immigrant lodging place on any other premises than those described in the application. Such license

shall be renewable annually on the payment of a fee based on the maximum number of boarders and lodgers received by the licensee at the place licensed during the preceding year, as shown in a sworn statement filed by such applicant in such form as the commissioner of labor shall prescribe. The commissioner of labor shall keep a book or books in which the licenses granted and the bonds filed shall be entered in alphabetical order, together with a statement of the date of the issuance of the license, the name or names of the principals, the place where the business licensed is to be transacted, the names of the sureties upon the bond filed and the amount of the license fee paid by the licensee.

2. Every licensee shall keep conspicuously posted in the public rooms and in each bedroom of the place licensed a statement printed in the English language and in the language understood by the majority of the patrons of said place, specifying the rate of charges by the day and week for lodging, for meals supplied, for the transportation of passengers and baggage, the services of guides, and other service rendered to such patrons. No sum shall be charged or received by or for the licensee in excess of such posted rates for any service rendered, and payment shall not be enforceable for any charge in excess of such rates. A copy of the rates so posted shall be filed by the licensee with the commissioner of labor, and no increased rate shall be charged or received until a revised schedule showing such increase shall have been filed with the commissioner of labor. Every such licensee shall likewise file with the commissioner of labor a list specifying the names and addresses of every person employed by such licensee as a runner, guide or other employee, and showing whether such person is employed at a salary or on commission.

3. A license granted hereunder shall be revocable by the commissioner of labor on notice to the licensee and for cause shown.

4. The term immigrant lodging place as used in this section includes any place, boarding house, lodging house, inn or hotel where immigrants or emigrants while in transit, or aliens are received, lodged, boarded or harbored, which shall not include any place maintained or conducted by a charitable, philanthropic or religious society, association or corporation. Nothing contained herein shall be held to apply to temporary sleeping quarters in labor or construction camps.

5. Any person or any officer of a corporation owning, conducting or managing an immigrant lodging place without having obtained from the commissioner of labor a license therefor, or who shall carry on such business after the revocation of a license to carry on such business, or who shall violate any of the provisions of this section, shall be guilty of a misdemeanor.

6. The license fees collected hereunder shall be paid to the comptroller and shall constitute a fund to be used in the joint discretion of the comptroller and commissioner of labor for the expenses necessary for carrying out the provision of this section.] *issued as provided in section one hundred and sixty-four.*

§ 164. Issuance of immigrant lodging-house license. 1. An application for a license to conduct an immigrant lodging house shall be made to the commissioner by the owner of the immigrant lodging house or his duly authorized agent. Such application shall be made upon blanks prepared and furnished by the commissioner and shall state under oath the location of the immigrant lodging house, and the maximum number of boarders or lodgers which it will accommodate.

With such application there shall be presented to the commissioner proof of the good moral character of the applicant, and in case such applicant is a corporation, of its officers, and in addition thereto, in the discretion of the commissioner, a bond to the people of the state of New York, with two or more sureties or of a surety company approved by the commissioner, conditioned that the obligor shall obey all laws, rules and regulations applicable to such immigrant lodging house, prescribed by any lawful authority, and that such obligor shall discharge all obligations and pay all damage or loss which shall accrue to any person dealing with such licensee, by reason of any contract or other obligation of such licensee, or resulting from any fraud or deceit, conversion of property, oppression, excessive charges, or other wrongful act of said licensee or of his servants or agents in connection with the business so licensed. Where the number of boarders or lodgers specified in said application does not exceed ten persons the penalty of said bond shall be one hundred dollars; where such number exceeds ten and does not exceed fifty persons it shall be two hundred and fifty dollars, and where the number exceeds fifty it shall be five hundred dollars. Any person aggrieved may bring an action for the enforcement of such bond in any court of competent jurisdiction.

2. The applicant for a license shall pay to the commissioner a fee of five dollars where the number of boarders or lodgers stated in the application does not exceed ten, a fee of ten dollars where such number exceeds ten and does not exceed fifty, and a fee of twenty-five dollars where such number exceeds fifty.

3. On the approval of the application for a license and of the bond filed therewith the commissioner shall issue a license authorizing the applicant to conduct and keep an immigrant lodging house at the place designated in the application and to be specified in the license certificate. Such license shall not be transferable without the consent of the commissioner, nor authorize the conducting or keeping of an immigrant lodging house on any other premises than those described in the application. The license shall be renewable annually on the payment of a fee based on the maximum number of persons boarded or lodged by the licensee at the house licensed, during the preceding year, as shown in a sworn statement filed by such applicant in such form as the commissioner shall prescribe. The commissioner may revoke the license for any violation of this article or of any rules or regulations of the commissioner, or of the industrial board upon notice to the licensee.

§ 165. Rate of charges to be posted and filed. Every licensee shall keep posted in a conspicuous place in the public rooms and in each bedroom of the house licensed a statement printed in the English language and in the language understood by the majority of the patrons, specifying the rate of charges by the day and week for lodging, for meals supplied, for the transportation of passengers and baggage, the services of guides, and other service rendered to such patrons. No sum shall be charged or received by or for the licensee in excess of such posted rates for any service rendered, and payment shall not be enforceable for any charge in excess of such rates. A copy of the rates so posted shall be filed by the licensee with the commissioner, and no increased rate shall be charged or received until a revised schedule showing such increase shall have been filed with the commissioner. Every such licensee shall likewise file with the commissioner a list specifying the names and addresses of every person employed by such licensee as a runner, guide or other employee, and showing whether such person is employed at a salary or on commission.

ARTICLE 9.

BUILDING CONSTRUCTION AND REPAIR WORK.

Section 170. Safe scaffolding required for use of employees.
171. Protection of employees on building construction work.
172. Enforcement of this article in cities.

§ 170. Safe scaffolding required for use of employees. 1. Every person employing or directing another to perform labor of any kind in the erection, repairing, altering, painting, cleaning or pointing of a building or structure shall furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders, slings, hangers, blocks, pulleys, braces, irons, ropes or other mechanical contrivances which are so constructed, placed and operated as to give proper protection to the life and limb of a person so employed or engaged.

2. Scaffolding or staging more than twenty feet from the ground or floor swung or suspended from an overhead support, or erected with stationary supports, except scaffolding wholly within the interior of a building and covering the entire floor space of any room therein, shall have a safety rail of suitable material, properly bolted, secured and braced, rising at least thirty-four inches above the floor or main portions of such scaffolding or staging and extending along the entire length of the outside and the ends thereof, with such openings as may be necessary for the delivery of materials. Such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

3. All scaffolding shall be so constructed as to bear four times the maximum weight required to be dependent therefrom or placed thereon, when in use. Not more than four men shall be allowed on any swinging scaffold at one time.

4. If the commissioner finds that any such scaffolding or other mechanical contrivance is unsafe, he shall attach thereto a notice warning all persons against the use thereof. Such notice shall not be removed except by an authorized representative of the department, nor until such scaffolding or other mechanical contrivance is made safe, and in the meantime the scaffolding or other mechanical contrivance shall not be used.

§ 171. Protection of employees on building construction work in cities. All contractors and owners, when constructing buildings in cities, shall comply with the following requirements:

1. Where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are of fireproof material or brickwork, the flooring or filling in shall be completed as the building progresses.

2. If the plans and specifications do not require filling in between the beams of floors with brick or fireproof material the underflooring shall be laid on each story as the building progresses.

3. Where double floors are not to be used, the floors two stories below the story where the work is being performed shall be kept planked over.

4. If the floor beams are of iron or steel, the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work, and for the raising or lowering of materials to be used in the construction of such building, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts shall be thoroughly planked over. Such planking shall extend not less than six feet beyond such beams.

5. If elevators, elevating machines or hod-hoisting apparatus are used within a building in the course of construction, for the purpose of lifting materials to be used in such construction, the shafts or openings in each floor shall be inclosed or fenced in on all sides by a barrier at least eight feet in height, except on two sides which may be used for taking off and putting on materials, and those sides shall be guarded by an adjustable barrier not less than three nor more than four feet from the floor and not less than two feet from the edge of such shaft or opening.

6. If a building in course of construction is five stories or more in height, no lumber or timber needed for such construction shall be hoisted or lifted on the outside of such building.

§ 172. Enforcement of article. The chief officer charged with the enforcement of the building laws of any city and the commissioner shall enforce the provisions of this article. Such chief officer shall have all the powers for the enforcement of this article that are vested in the commissioner.

ARTICLE [6.] *10.*

FACTORIES.

[Section 69. Registration of factories.
70. Employment of minors.
71. Employment certificate, how issued.
72. Contents of certificate.
73. School record, what to contain.
75. Supervision over issuance of certificates.
76. Registry of children employed.
76-a. Physical examination of children in factories; cancellation of employment certificates.
77. Hours of labor of children, minors and women.
78. Exceptions.
79. Elevators and hoistways.
79-a. Construction of factory buildings hereafter erected.
79-b. Requirements for existing buildings.
79-c. Additional requirements common to buildings heretofore and hereafter erected.
79-d. Effect of foregoing provisions; inspection of buildings and approval of plans.
79-e. Limitation of number of occupants.
79-f. Meaning of terms.
81. Protection of employees operating machinery; dust-creating machinery; lighting of factories and workrooms.
83-a. Fire alarm signal systems and fire drills.
83-b. Automatic sprinklers.
83-c. Fire proof receptacles; gas jets; smoking.
84. Cleanliness of rooms.
84-a. Cleanliness of factory buildings.
85. Size of rooms.
86. Ventilation.
87. Accidents to be reported.
88. Drinking water, wash-rooms and dressing rooms.
88-a. Water closets.
89. Time allowed for meals.

89-a. Prohibition against eating meals in certain work rooms.
90. Inspection of factory buildings.
92. Laundries.
93. Prohibited employment of women and children.
93-a. Employment of females after childbirth prohibited.
93-b. Period of rest at night for women.
94. Tenant-factories.
95. Unclean factories.
96. Definition of "custodian."
97. Brass, iron and steel foundries.
98. Labor camps.
99. Dangerous trades.
99-a. Laws to be posted.]

TITLE I.—ACCIDENT PREVENTION.

Section 175. Elevators and hoistways.
176. Protection of employees operating machinery.
177. Lighting to prevent accidents.

TITLE II.—FIRE HAZARD.

180. Incombustible fireproof and fireresisting material.
181. Fire door.
182. Fireproof window.
183. Fireproof partition.
184. Fireproof building.
185. Fire wall.
186. Exterior enclosed fireproof stairway.
187. Horizontal exit.
188. Exterior screened stairway.
189. Application of provisions.
190. Construction of buildings erected after October first, nineteen hundred and thirteen.
191. Requirements for buildings erected before October first, nineteen hundred and thirteen.
192. Additional requirements common to all buildings.
193. Fire escapes erected after October first, nineteen hundred and thirteen.
194. Fire escapes erected before October first, nineteen hundred and thirteen.

195. Special laws and local ordinances.
196. Inspection of buildings and approval of plans.
197. Limitation of number of occupants.
198. Fire alarm signal systems.
199. Fire drills.
200. Automatic sprinklers.
201. Fireproof receptacles.
202. Gas jets.
203. Smoking.

TITLE III.—SANITATION.

210. Cleanliness of factory rooms.
211. Cleanliness of factory buildings.
212. Drinking water.
213. Washrooms.
214. Dressing rooms.
215. Water-closets.
216. Laundries.
217. Unclean factories.
218. Living quarters for factory employees.
219. Ventilation, heat and humidity.
220. Size of rooms.
221. Illumination.

TITLE IV.—FOUNDRIES.

225. Foundries.

TITLE V.—DUTIES OF OWNERS AND OCCUPIERS.

226. Duties of owners and occupiers.

TITLE I.—ACCIDENT PREVENTION.

§ [79]*175.* Elevators and hoistways. 1. [Inclosure of shafts.] *In every factory building erected before October first, nineteen hundred and thirteen,* every hoistway, hatchway or well-hole used for *elevators* carrying passengers, [or] employees, or [for] freight [elevators,] *or used for* hoisting or other purposes, shall, *except as provided in subdivision two,* be protected on all sides at each floor including the basement, by substantial vertical inclosures. All openings in such inclosures shall be provided with self-closing gates [not less than six feet high] *of sufficient height* or with

properly constructed sliding doors. In the case of elevators used for carrying passengers or employees, such inclosures shall be flush with the hatchway and shall extend from floor to ceiling on every open side of the car, and on every other side shall be at least six feet high, and such [e]*i*nclosures shall be free from fixed obstructions on every open side of the car. In the case of freight elevators the inclosures shall be flush with the hoistway on every open side of the car.

2. In place of the inclosures [herein] required in *subdivision one* [for freight elevators,] every hatchway used for freight elevator purposes may be provided with trap doors so constructed as to form a substantial floor surface when closed and so arranged as to open and close by the action of the car in its passage both ascending and descending. [; provided that i] *I*n addition to such trap doors, the hatchway shall be adequately protected on all sides at all floors, including the basement, by a substantial railing or other vertical inclosure at least three feet in height.

3. [2. Guarding of elevators and hoistways.] *In every factory building erected before October first, nineteen hundred and thirteen,* all counter-weights of every elevator shall be adequately protected by proper inclosures at the top and bottom of the run. The car of [all] *every* elevator[s] *in such building* used for carrying passengers or employees shall be substantially [e]*i*nclosed on all sides, including the top, and [such car] shall [at all times] be properly lighted *during working hours* [, artificial illuminants to be provided and used when necessary]. The top of every freight elevator car or platform *in such building* shall be provided with a substantial grating or covering for the protection of the operator thereof[, in accordance with such rules and regulations as may be adopted with reference thereto by the industrial board].

4. [3. Elevators and hoistways in factory buildings hereafter erected. The provisions of subdivisions one and two of this section shall apply only to factory buildings heretofore erected.] In all factory buildings [hereafter] erected *after October first, nineteen hundred and thirteen,* every elevator and every part thereof and all machinery connected therewith and every hoistway, hatchway and well-hole shall be so constructed, guarded, equipped, maintained and operated as to be safe for all persons [using the same].

5. [4. Maintenance of elevators and hoistways in all factory buildings.] In every factory building [heretofore erected or hereafter erected,] all inclosures, [doors and gates] of hoistways, hatchways or well-holes, and all elevators therein used for [the] carrying [of] passengers, [or] employees or freight and the gates, [and] doors, *cables, gearing and other apparatus* thereof shall at all times be kept in good repair and in a safe condition. All openings leading to *such* elevators shall be kept [well] *properly* lighted [at all times] during working hours[, with artificial illumination when necessary. The cable, gearing and other apparatus of elevators used for carrying passengers or employees or freight shall be kept in a safe condition].

6. [5. Powers of industrial board.] The industrial board shall [have power to] make rules [and regulations] not inconsistent with the provisions of this chapter regulating the construction, guarding, equipment, maintenance and operation of elevators and all parts thereof, and all machinery connected therewith and hoistways, hatchways and well-holes in order to carry out the purpose [and intention] of this section.

§ [81] *176.* Protection of employees operating machinery[; dust-creating machinery; lighting of factories and workrooms. 1. The owner or person in charge of a factory where machinery is used, shall provide, as may be required by the rules and regulations of the industrial board, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys. Whenever practicable, all machinery shall be provided with loose pulleys. Every vat and pan wherever set so that the opening or top thereof is at a lower level than the elbow of the operator or operators at work about the same shall be protected by a cover which shall be maintained over the same while in use in such manner as effectually to prevent such operators or other persons falling therein or coming in contact with the contents thereof, except that where it is necessary to remove such cover while any such vat or pan is in use, such vat or pan shall be protected by an adequate railing around the same. Every hydro-extractor shall be covered or otherwise properly guarded while in motion. Every saw shall be provided with a proper and effective guard. Every planer shall be protected by a substantial hood or covering. Every hand-planer or jointer shall be provided with a proper and effective guard. All cogs and gearing shall be boxed or cased either with

metal or wood. All belting within seven feet of the floors shall be properly guarded. All revolving shafting within seven feet of the floors shall be protected on its exposed surface by being encased in such a manner as to effectively prevent any part of the body, hair or clothing of the operators or other persons from coming in contact with such shafting. All set-screws, keys, bolts and all parts projecting beyond the surface of revolving shafting shall be countersunk or provided with suitable covering, and machinery of every description shall be properly guarded and provided with proper safety appliances or devices. All machines, machinery apparatus, furniture and fixtures shall be so placed and guarded in relation to one another as to be safe for all persons. Whenever any danger exists which requires any special care as to the character and condition of the clothing of the persons employed thereabouts, or which requires the use of special clothing or guards, the industrial board may make rules and regulations prescribing what shall be used or worn for the purpose of guarding against such danger and regulating the provision, maintenance and use thereof. No person shall remove or make ineffective any safeguard or safety appliance or device around or attached to machinery, vats or pans, unless for the purpose of immediately making repairs thereto or adjustment thereof, and any person who removes or makes ineffective any such safeguard, safety appliance or device for a permitted purpose shall immediately replace the same when such purpose is accomplished. It shall be the duty of the employer and of every person exercising direction or control over the person who removes such safeguard, safety appliance or device, or over any person for whose protection it is designed to see that a safeguard or safety appliance or device that has been removed is promptly and properly replaced. All fencing, safeguards, safety appliances and devices must be constantly maintained in proper condition. When in the opinion of the commissioner of labor a machine or any part thereof is in a dangerous condition or is not properly guarded or is dangerously placed, the use thereof shall be prohibited by the commissioner of labor and a notice to that effect shall be attached thereto. Such notice shall not be removed except by an authorized representative of the department of labor, nor until the machinery is made safe and the required safeguards or safety appliances or devices are provided, and in the meantime such unsafe or dangerous machinery shall not be used. The industrial board may make rules and regulations regulating

the installation, position, operation, guarding and use of machines and machinery in operation in factories, the furnishing and use of safety devices and safety appliances for machines and machinery and of guards to be worn upon the person, and other cognate matters, whenever it finds such regulations necessary in order to provide for the prevention of accidents in factories.

2. All grinding, polishing or buffing wheels used in the course of the manufacture of articles of the baser metals shall be equipped with proper hoods and pipes and such pipes shall be connected to an exhaust fan of sufficient capacity and power to remove all matter thrown off such wheels in the course of their use. Such fan shall be kept running constantly while such grinding, polishing or buffing wheels are in operation; except that in case of wet-grinding it is unnecessary to comply with this provision unless required by the rules and regulations of the industrial board. All machinery creating dust or impurities shall be equipped with proper hoods and pipes and such pipes shall be connected to an exhaust fan of sufficient capacity and power to remove such dust or impurities; such fan shall be kept running constantly while such machinery is in use; except where, in case of wood-working machinery, the industrial board shall decide that it is unnecessary for the health and welfare of the operatives.

3. All passageways and other portions of a factory, and all moving parts of machinery which are not so guarded as to prevent accidents, where, on or about which persons work or pass or may have to work or pass in emergencies, shall be kept properly and * and sufficiently lighted during working hours. The halls and stairs leading to the workrooms shall be properly and adequately lighted, and a proper and adequate light shall be kept burning by the owner or lessee in the public hallways near the stairs, upon the entrance floor and upon the other floors on every workday in the year, from the time when the building is open for use in the morning until the time it is closed in the evening, except at times when the influx of natural light shall make artificial light unnecessary. Such lights shall be so arranged as to insure their reliable operation when through accident or other cause the regular factory lighting is extinguished.

4. All workrooms shall be properly and adequately lighted during working hours. Artificial illuminants in every workroom shall be installed, arranged and used so that the light furnished

will at all times be sufficient and adequate for the work carried on therein, and so as to prevent unnecessary strain on the vision or glare in the eyes of the workers. The industrial board may make rules and regulations to provide for adequate and sufficient natural and artificial lighting facilities in all factories.]

1. In every factory all machinery shall be properly guarded and provided with proper safety appliances or devices.

a. Whenever practicable, all machinery shall be provided with loose pulleys and with belt shifters for throwing belts on or off pulleys or with other mechanical contrivances for disengaging power.

b. Wherever the opening or top of a vat or pan is at a lower level than the elbow of any person at work about it, a cover shall be maintained over the vat or pan while in use. Wherever it is necessary to remove the cover while such vat or pan is in use, a proper railing shall be provided around the vat or pan. Every hydro-extractor shall be covered or otherwise properly guarded while in motion.

c. Every saw, hand-planer or jointer shall be provided with a proper guard and every planer shall be provided with a substantial hood or other covering.

d. All cogs and gearing shall be boxed or cased with metal or wood.

e. All belting within seven feet of the floor shall be properly guarded and all revolving shafting within seven feet of the floor shall be so encased as to prevent any part of the body, hair or clothing of any person from coming in contact therewith.

f. All set-screws, keys, bolts and all parts projecting beyond the surface of revolving shafting shall be counter-sunk or provided with suitable covering.

g. All machinery, apparatus, furniture and fixtures shall be so placed and guarded in relation to one another as to be safe for all persons.

h. Whenever necessary for the safety of employees special clothing or guards to be worn upon the person shall be provided and used.

2. No person shall remove or make ineffective any safeguard or safety appliance or device around or attached to machinery,

vats or pans, unless for the purpose of immediately repairing or adjusting such machinery, guard, appliance or device and he shall immediately replace such guard, appliance or device when such purpose is accomplished. It shall be the duty of the employer and of every person exercising direction or control over the person who removes such safeguard, safety appliance or device, or over any person for whose protection it is designed, to see that it is promptly and properly replaced. All safeguards, safety appliances and devices shall be constantly maintained in proper condition.

3. If the commissioner finds that a machine or any part thereof is in a dangerous condition or is not properly guarded or is dangerously placed, he shall attach to such machine a notice warning all persons against the use thereof. Such notice shall not be removed except by an authorized representative of the department nor until the machinery is made safe and the required safeguards or safety appliances or devices are provided, and in the meantime such machinery shall not be used.

§ 177. Lighting to prevent accidents. 1. If in any factory there are any moving parts of machinery which are not required to be guarded under the provisions of section one hundred and seventy-six or the rules of the industrial board, all such moving parts shall be kept properly lighted during working hours when necessary to prevent accidents.

2. In every factory all places where persons work or pass or may have to work or pass in emergencies, shall be kept properly lighted during working hours.

3. The halls and stairs leading to factory workrooms shall be kept properly lighted during working hours. Except when artificial light is unnecessary a light shall be maintained in the public hallways near the stairs upon every floor in every working day from the time the building is opened for use in the morning until it is closed in the evening. Such lights shall be so arranged as to insure their reliable operation when through accident or other cause the regular factory lighting is extinguished.

§ [79-f.] *180.* [Meaning of terms.] *Incombustible, fireproof and fire-resisting material.* [The following terms when used in this article shall have the following meanings:

1. Fireproof construction. A building shall be deemed to be of fireproof construction if it conforms to the following require-

ments: All walls constructed of brick, stone, concrete or terra-cotta; all floors and roofs of brick, terra-cotta or reinforced concrete placed between steel or reinforced concrete beams and girders; all the steel entering into the structural parts encased in at least two inches of fireproof material, excepting the wall columns, which must be encased in at least eight inches of masonry on the outside and four inches on the inside; all stairwells, elevator wells, public hallways and corridors enclosed by fireproof partitions; all doors, fireproof; all stairways, landings, hallways and other floor surfaces of incombustible material; no woodwork or other combustible material used in any partition, furring, ceiling or floor; and all window frames, doors and sash, trim and other interior finish of incombustible material; all windows shall be fireproof windows except that in buildings under seventy feet in height fireproof windows are required only when within thirty feet of another building or opening on a court or space less than thirty feet wide; except that in buildings under one hundred feet in height there may be wooden sleepers and floor finish and wooden trim, and except that in buildings under one hundred and fifty feet in height heretofore constructed there may be wooden sleepers, floor finish and trim and the windows need not be fireproof windows, excepting when such windows are within thirty feet of another building.

2. Fireproof material is material which is incombustible and is capable of resisting the effect of fire in such manner and to such extent as to insure the safety of the occupants of the building. The industrial board shall determine and in its rules and regulations shall specify what materials are fireproof materials within the meaning hereof. The industrial board shall also determine and in its rules and regulations shall specify what materials, not being fireproof materials within the meaning hereof, are fire resisting materials. Fire resisting material, when required by any of the provisions of this chapter, shall conform to requirements of such rules and regulations.

3. Incombustible material is material which will not burn or support combustion.

4. A fire wall is a wall constructed of brick, concrete, terra-cotta blocks or reinforced stone concrete, and having at each floor level one or more openings each protected by fire doors so constructed as to prevent the spread of fire or smoke through the openings. In buildings of nonfireproof construction fire walls shall be at

least twelve inches in thickness and shall extend continuously from the cellar floor through the entire building and at least three feet over the roof and be coped; except that walls heretofore erected not less than eight inches in thickness, but otherwise conforming to the requirements of this subdivision shall be considered fire walls within the meaning of this subdivision. No opening in such wall shall exceed sixty-six inches in width or sixty square feet in area, except that where openings not exceeding eight feet in width exist in fire walls heretofore erected, such walls may be considered fire walls within the meaning of this subdivision, and in the case of fire walls hereafter constructed no two openings in the same wall and at the same floor level shall be nearer than forty feet from the center of one opening to the center of another. Every opening in a fire wall shall be protected by a fire door closing automatically on each side of the wall. At every opening in the fire wall there shall be an incombustible floor finish extending over the floor for the full thickness of the wall so as to completely separate the woodwork of the floors on each side of the fire wall. In fireproof buildings the fire walls shall comply with the foregoing requirements in all respects excepting that they may be of the thickness required by the provisions of this section with respect to fireproof partitions; such fire walls and fireproof partitions shall be continuous, from the cellar floor to the under side of the fireproof roof.

5. Fireproof partitions shall be built of brick, concrete, reinforced concrete or terra-cotta blocks. When built of brick or concrete they shall be not less than eight inches in thickness for the uppermost forty feet, and shall increase four inches in thickness for each additional lower forty feet or part thereof; or, when wholly supported by suitable steel framing at vertical intervals of not over forty feet, they may be eight inches in thickness throughout their entire height. When wholly supported at vertical intervals of not over twenty-five feet, and built of terra-cotta blocks, they shall be not less than six inches in thickness and when so supported and built of reinforced stone concrete, they shall be not less than four inches in thickness. The supporting steel framework shall be properly encased on all sides by not less than two inches of fireproof material, securely fastened to the steel work. All openings in such partitions shall be provided with fire doors.

6. Fire doors. Fire doors shall be metal-covered doors, or doors of such other material as shall be specified in the rules and regulations of the industrial board. They shall be provided with self-closing devices and have incombustible sills. The industrial board shall determine, and in its rules and regulations shall specify, the material and mode and manner of construction and erection of such doors.

7. Fireproof windows shall be windows constructed of metal frames and sash and provided with wired glass and of the automatic, self-closing type.

8. Exterior enclosed fireproof stairways shall be stairways completely enclosed from top to bottom by walls of fireproof material not less than eight inches thick extending from the sidewalk, court or yard level to the roof, and with walls extending above the roof so as to form a bulkhead. The stairway shall in all other respects conform to the requirements of this article in regard to enclosed stairways. There shall be no opening in any wall separating the exterior enclosed fireproof stairway from the building. Access shall be provided to the stairway from every floor of the building by means of an outside balcony or vestibule of steel, iron or masonry. Every such balcony or vestibule shall have an unobstructed width of at least forty-four inches and shall be provided with a fireproof floor and a railing of incombustible material not less than three feet high. Access to such balconies from the building and to the stairway from the balconies, shall be by means of fire doors. The level of the balcony floor shall be not more than seven inches below the level of the door sill of the building. The doors shall be not less than forty-four inches wide and shall swing outward onto the balcony and inward from the balcony to the stairway, and shall be provided with locks or latches with visible fastenings requiring no key to open them in leaving the building. The landings in such stairway shall be of such width that the doors in opening into the stairway shall not reduce the free passageway of the landings to a width less than the width of the stairs. Every such stairway shall be provided with a proper lighting system which shall furnish adequate light and shall be so arranged as to ensure its reliable operation when, through accident or other cause, the regular factory lighting is extinguished. The balconies giving access to such stairways shall be open on at least one side upon an open space not less than one hundred square feet in area.

9. Horizontal exit. A horizontal exit shall be the connection by means of one or more openings not less than forty-four inches wide, protected by fire doors, through a fire wall in any building, or through a wall or walls between two buildings, which doors shall continuously be unlocked and the opening unobstructed whenever any person is employed on either side of the opening. Exterior balconies and bridges not less than forty-four inches in width connecting two buildings and not having a gradient of more than one foot fall in six, may also be counted as horizontal exits when the doors opening out upon said balconies or bridges are fireproof doors and are level with the floors of the building, and when all doors of both buildings opening on such balconies or bridges are continuously kept unlocked and unobstructed whenever any person is employed on either side of the exit, and when such balconies or bridges are built of incombustible material and are capable of sustaining a live load of not less than ninety pounds per square foot with a factor of safety of four; and when such balconies or bridges are enclosed on all sides to a height of not less than six feet and on top and bottom by fireproof material, unless all windows or openings within thirty feet of such balconies in the connected buildings shall be encased in metal frames and sash and shall have wired glass where glass is used. In any case there shall be on each side of the wall or partition containing the horizontal exit and independent of said horizontal exit, at least one stairway conforming to the requirements for a required means of exit.

10. Exterior screened stairways used as one of the required means of exit in buildings heretofore erected shall be built of incombustible material. The risers of the stairs shall be not more than seven and three-quarters inches in height and the treads not less than ten inches wide. On each floor there shall be a balcony connecting with the stairs. Access to the balconies shall be by means of fire doors that shall open outwardly, so as not to obstruct the passageway, or slide freely, and shall extend to the floor level. All windows or other openings opening upon the course of such stairs shall be fireproof. The level of the balcony floor shall not be more than seven inches below the level of the door sill. The stairs shall continue from the roof to the ground level, and there shall be independent means of exit from the bottom of such stairs to the street or to an open court or to a fireproof enclosed passageway leading to the street or to an open area having communication with

the street or road. The balconies and stairs shall be enclosed in a screen of incombustible material.

11. The provisions of subdivisions four to nine inclusive of this section shall apply to all buildings hereafter erected and to all construction hereafter made in buildings heretofore erected. The industrial board shall adopt rules and regulations regulating construction heretofore made in buildings heretofore erected requiring compliance with such of the requirements of the said subdivisions or with such other or different requirements as said board may find to be reasonable and adequate to protect persons employed in such buildings against fire.]

1. The term "incombustible material," when used in this title, means material which will not burn or support combustion.

2. The term "fireproof material," when used in this title, means incombustible material capable of resisting the effect of fire to a sufficient extent to insure the safety of the occupants of the building. The industrial board shall determine and shall specify in its rules what materials are fireproof materials within the meaning hereof, and also what materials, not being fireproof materials within the meaning hereof, are fire resisting materials.

3. The term "fire resisting material," when used in this title, means material conforming to such latter requirements.

§ 181. Fire door. The term "fire door," when used in this title, means a metal-covered door or door of such other fire resisting material as shall be specified in the rules of the industrial board, and that is provided with a self-closing device and has an incombustible sill. The industrial board shall determine, and shall specify in its rules, the material, and the manner of construction and erection of such doors.

§ 182. Fireproof window. The term "fireproof window," when used in this title, means a window of the automatic, self-closing type, constructed of metal frame and sash or frame and sash covered with metal, and provided with wired glass.

§ 183. Fireproof partition. The term "fireproof partition," when used in this title, means a partition built of brick, concrete, reinforced concrete or terra-cotta blocks and in conformity with the following requirements. When built of brick or concrete it shall be not less than eight inches in thickness for the uppermost forty

feet, and shall increase four inches in thickness for each additional lower forty feet or part thereof; or when wholly supported by suitable steel framing at vertical intervals of not over forty feet, it may be eight inches in thickness throughout its entire height. When wholly supported at vertical intervals of not over twenty-five feet, and built of terra-cotta blocks, it shall be not less than six inches in thickness and when so supported and built of reinforced stone concrete, it shall be not less than four inches in thickness when wholly supported at vertical intervals of not over eighteen feet, and built of reinforced cinder concrete it shall be not less than four inches in thickness. The supporting steel framework shall be properly encased on all sides by not less than two inches of fireproof material, securely fastened to the steel work. All openings in the partition shall be provided with fire doors.

§ 184. Fireproof building. The term "fireproof building," when used in this title, means a building conforming to the following requirements:

1. All walls shall be constructed of brick, stone, concrete or terra-cotta.

2. All floors and roofs shall be built of brick, terra-cotta or reinforced concrete placed between steel or reinforced concrete beams and girders.

3. All steel entering into the structural parts shall be encased in at least two inches of fireproof material, except the wall columns, which shall be encased in at least eight inches of masonry on the outside and four inches on the inside.

4. All stairwells, elevator wells, public hallways and corridors shall be enclosed by fireproof partitions.

5. All doors shall be fire doors.

6. All stairways, landings, hallways, partitions, furring, ceilings, floors, sash, trim and other interior finish, shall be constructed of incombustible material.

7. All windows shall be fireproof windows.

8. Exceptions: (a) In buildings erected after October first, nineteen hundred and thirteen, under seventy feet in height, fireproof windows shall be required only when within thirty feet of another building or opening on a court or space less than thirty

feet wide. (b) In buildings erected after October first, nineteen hundred and fourteen, under one hundred feet in height, there may be wooden sleepers, floor finish and trim. (c) In buildings erected before October first, nineteen hundred and thirteen, under one hundred and fifty feet in height there may be wooden sleepers, floor finish and trim and fireproof windows shall be required only when such windows are within thirty feet of another building.

§ 185. Fire wall. The term "fire wall," when used in this title, means a wall conforming to the following requirements:

1. It shall be constructed of brick, concrete, terra-cotta blocks or reinforced stone concrete.

2. It shall have at each floor level one or more openings each protected by fire doors closing automatically on either side of the wall and so constructed as to prevent the spread of fire or smoke through the openings.

3. In nonfireproof buildings such walls shall be at least eight inches thick for the uppermost forty feet and shall increase at least four inches in thickness for each additional lower forty feet or part thereof if erected after October first, nineteen hundred and thirteen, and at least eight inches thick if erected before that date. In fireproof buildings such wall shall be of the thickness required for a fireproof partition by section one hundred and eighty-three.

4. No opening in such a wall erected after October first, nineteen hundred and thirteen, shall exceed sixty-six inches in width or sixty square feet in area, and no opening in such a wall erected before that date shall exceed eight feet in width. The industrial board in its rules may except from the requirements of this subdivision, walls erected after October first, nineteen hundred and thirteen, in buildings constructed before that date, in which case no opening in such walls shall exceed eight feet in width.

5. The center of every opening in such a wall erected after October first, nineteen hundred and thirteen, shall be at least forty feet from the center of every other opening therein at the same floor level.

6. At every opening in the wall there shall be an incombustible floor finish extending over the floor the full thickness of the wall so as to completely separate the woodwork of the floors on each side of the wall.

7. In a nonfireproof building the wall shall extend from the cellar floor to at least three feet above the roof and be coped. In a fireproof building it shall extend from the cellar floor to the under side of the fireproof roof.

§ 186. Exterior enclosed fireproof stairway. The term "exterior enclosed fireproof stairway," when used in this title, means a stairway conforming to the following requirements:

1. It shall be completely enclosed from top to bottom by walls of fireproof material not less than eight inches thick extending from the sidewalk, court or yard level to the roof, and above the roof so as to form a bulkhead.

2. It shall in all other respects conform to the requirements of sections one hundred and ninety, one hundred and ninety-one and one hundred and ninety-two, in regard to stairways and their enclosure.

3. There shall be no opening in any wall separating it from the building.

4. Access shall be provided to the stairway from every floor of the building by means of an outside balcony or vestibule of steel, iron or masonry. Every such balcony or vestibule shall have an unobstructed width of at least forty-four inches and shall be provided with a fireproof floor and a railing of incombustible material not less than three feet high. Access to such balconies from the building and to the stairway from the balconies shall be by means of fire doors. The level of the balcony floor shall be not more than seven inches below the level of the door sill of the building. The doors shall be not less than forty inches wide and shall swing outward onto the balcony and inward from the balcony to the stairway, and shall be provided with locks or latches with visible fastenings requiring no key to open them in leaving the building. The balconies shall be open on at least one side upon an open space not less than one hundred square feet in area.

5. The landings shall be of such width that the doors in opening into the stairway shall not reduce the free passageway of the landings to a width less than the width of the stairs.

6. Such stairway shall be provided with a proper lighting system which shall furnish adequate light and shall be so arranged as to ensure its reliable operation when through accident or other cause, the regular factory lighting is extinguished.

§ 187. Horizontal exit. The term "horizontal exit," when used in this title, means either (a) an opening through a firewall in any building or through a wall or walls between two buildings, which opening conforms to the requirements of subdivision one, or (b) a balcony or bridge connecting two buildings and conforming to the requirements of subdivisions two to six inclusive.

1. It shall not be less than forty inches wide and shall be protected by fire doors. Such doors shall be kept unlocked and unobstructed whenever any person is employed on either side. On each side of the opening there shall be at least one stairway conforming to the requirements for required exits.

2. It shall not be less than forty-four inches wide with a gradient of not more than one foot fall in six.

3. The doors opening upon it from each building shall be fire doors level with the floors of the respective buildings. Such doors shall be kept unlocked and unobstructed whenever any person is employed on either side of the balcony or bridge.

4. It shall be built of incombustible material and be capable of sustaining a live load of not less than ninety pounds per square foot with a factor of safety of four.

5. It shall, unless all windows or other openings within thirty feet of it in the connected buildings are encased in metal frames and sash or frames and sash covered with metal and with wired glass where glass is used, be enclosed by fireproof material on the top and bottom and on all sides to a height of not less than six feet.

6. On each side of it there shall be at least one stairway conforming to the requirements for required exits.

§ 188. Exterior screened stairway. The term "exterior screened stairway," when used in this title, means a stairway conforming to the following requirements:

1. It shall be built of incombustible material.

2. The risers of the stairs shall not be more than seven and three-quarters inches in height and the treads not less than ten inches wide.

3. On each floor there shall be a balcony connecting with the stairs.

4. Access to the balconies shall be by means of fire doors which shall extend to the floor level and which shall slide freely or open outwardly so as not to obstruct the passageway.

5. All windows or other openings opening upon the course of such stairs shall be fireproof.

6. The level of the balcony floor shall not be more than seven inches below the level of the door sill.

7. The stairs shall continue from the roof to the ground level, and shall lead (a) directly to a street, or (b) to a fireproof enclosed passageway independent of other exit from the building and leading to a street or road, or (c) to an open area having communication with a street or road.

8. The balconies and stairs shall be enclosed in a screen of incombustible material.

9. If erected after July first, nineteen hundred and fourteen, the stairway shall be not less than three feet wide.

§ 189. Application of provisions. The provisions of sections one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-five, one hundred and eighty-six and one hundred and eighty-seven shall apply to all buildings erected after October first, nineteen hundred and thirteen, and to all construction made after that date in buildings erected prior to that date. The industrial board shall adopt rules regulating construction before October first, nineteen hundred and thirteen, in buildings erected before that date, requiring compliance with such of the requirements of said sections, or with such other or different requirements as it finds reasonable and adequate to protect persons employed in such buildings.

§ [79-a.] *190.* Construction of [factory] buildings [hereafter] erected *after October first, nineteen hundred and thirteen.* No factory shall be conducted in any building [hereafter] erected *after October first, nineteen hundred and thirteen, which is* more than one story in height unless such building shall conform to the following requirements:

1. Fireproof construction. All buildings more than four stories in height shall be [of] fireproof [construction].

2. Roofs and walls. All roofs shall be covered with incombustible material or shall be of tar and slag or plastic cement sup-

ported by or applied to [arches of fireproof material,] *materials of slow burning construction* and the cornices shall be constructed of incombustible material. All exterior walls within twenty-five feet of any nonfireproof building shall be not less than eight inches thick and shall extend three feet above the roof.

[2. Floor area and r]*3. R*equired exits. The term "floor area" as used in this section [signifies] *means* the entire space between fire walls, or between a fire wall and an exterior wall of a building, or between the exterior walls of the building where there is no intervening fire wall. From every floor area there shall be not less than two [means of] exit*s* remote from each other, one of which on every floor above the ground floor shall be an interior [enclosed fireproof] stairway or an exterior enclosed fireproof stairway, and the other [shall be] *either* such a stairway or a horizontal exit. No point in any floor area shall be more than one hundred feet distant from the entrance to one such [means of] exit *at that floor.* Whenever any floor area exceeds five thousand square feet there shall be [provided] at least one additional [means of] exit as hereinbefore described *and there shall be another additional exit* for each *additional* five thousand square feet or part thereof [in excess of five thousand square feet]. In every building over one hundred feet in height there shall be at least one exterior enclosed fire proof stairway which shall be accessible from any point in the building.

[3]*4.* Stairways. All stairways shall be constructed of incombustible material and shall have an unobstructed width of at least forty-four inches throughout their length, except that hand rails may project not more than three and one-half inches into such width. There shall be not more than twelve feet six inches in height between successive landings. The treads shall be not less than ten inches wide exclusive of nosing, and the rise shall be not more than seven and three-fourths inches. No stairway with "winders" shall be allowed except [as a connection from one floor to another] *a single flight connecting only two floors.* The treads shall be constructed and maintained in such manner as to prevent persons from slipping thereon. Every stairway shall be enclosed on all sides by fireproof partitions extending continuously from the lowest story to which such stairway extends to three feet above the roof. [and t] *T*he roofs of the enclosure shall be constructed of fireproof material at least four inches thick with a skylight at least three-fourths the area of the shaft. All stair-

ways serving as required [means of] exits shall extend to the roof and shall lead (*a*) continuously to the street, or (*b*) to a fireproof passageway independent of other [means of] exit from the building, opening on a road or street, or (*c*) to an open area affording unobstructed passage to a road or street. [All stairways that extend to the top story shall be continued to the roof.] Provision[s] shall be made for the adequate lighting of all stairways by artificial light.

[4]*5.* Doors and doorways. All doors shall open outwardly. The width of the hallways and exit doors leading to the street, at the street-level, shall be not less than the aggregate width of all stairways leading to them. Every door leading to or opening on a stairway shall have an unobstructed width of at least forty[-four] inches.

[5]*6.* Partitions. All partitions in the interior of *fireproof* buildings [of fireproof construction] shall be of incombustible material.

[6]*7.* [Openings to be enclosed] *Shafts.* All elevator and dumbwaiter shafts, vent and light shafts, pipe and duct shafts, hoistways and all other vertical openings leading from one floor to another shall be enclosed throughout their height [on all sides] by enclosures of fireproof material. Every such enclosure shall have a roof of fireproof material. [and i] *If* the enclosure extends to the top story it shall be continued to three feet above the roof of the building and shall have at the top *either* a *metal-framed* skylight [in a metal frame] at least three-fourths of the area of the shaft or [exterior] *a* window with metal frame and sash. The bottom of the enclosure shall be of fireproof material unless the [opening] *enclosure* extends to the cellar bottom. All openings in such enclosures shall be provided with fire[proof] doors, except that openings in the enclosures of vent and light shafts shall be provided either with fire[proof] doors or with windows having metal frames and sash and wired glass where glass is used.

§ [79-b]*191.* Requirements for [existing] buildings *erected before October first, nineteen hundred and thirteen.* No factory shall be conducted in any building [heretofore] erected *before October first, nineteen hundred and thirteen,* unless such building shall conform to the following requirements:

1. Required exits. [Every building over two stories in height shall be provided on each floor with at least two means of exit or

escape from fire,] *From every floor in a building over two stories in height there shall be at least two exits* remote from each other [, o]. *O*ne of [which] *them* on every floor above the ground floor shall [lead to or open on] *be either* an interior stairway which [in buildings over four stories in height] shall be enclosed as hereinafter provided, or [to] an exterior enclosed fireproof stairway. The other shall [lead to] *be either* such a stairway; or [to] a horizontal exit; or [to] an exterior screened stairway; or in buildings of five stories or less in height to fire escapes on the outside of the building except that such fire escapes shall not be accepted as a required exit in such buildings or particular classes thereof where the industrial board finds that such fire escapes would not in its opinion furnish adequate and safe means of escape for the occupants in case of fire or *to such outside fire escapes in buildings over five stories in height* when, in the opinion of the industrial board the safety of the occupants of the building would not be endangered thereby [to a fire escape[s] on the outside of the building]. No point on any floor [of such factory] shall be more than one hundred feet distant from the entrance to one such [means of] exit *at that floor.* Whenever egress may be had from the roof to an [adjoining or nearby] *adjacent* structure, every stairway serving as a required [means of] exit shall be extended to the roof. All such stairways shall extend to the first story and lead to the street, or to an unobstructed passageway leading to a street or road or to an open area affording safe passage to a street or road.

2. Stairway enclosures. All interior stairways serving as required [means of] exits in buildings more than [four] *five* stories in height and the landings, platforms and passageways connected therewith shall be enclosed on all sides by partitions of fire resisting material extending continuously from the basement. Where the stairway extends to the top floor of the building such partitions shall extend to three feet above the roof. [All openings in such partitions shall be provided with self-closing doors constructed of fire resisting material except where such openings are in the exterior wall of the building.] All such partitions and the doors provided for the openings therein shall be constructed in such manner as the industrial board may prescribe by its rules and regulations. *The industrial board shall have power to adopt rules and regulations requiring the enclosure of stairways serving as required exits in buildings of five stories or less in height or*

in particular classes of such buildings whenever the board finds that because of the conditions existing in such buildings such requirement is necessary to secure the safety of the lives of the occupants thereof, in case of fire. Whenever, in the case of [any existing] buildings *erected before October first, nineteen hundred and thirteen,* not over six stories in height, the industrial board [shall] finds that the requirements of this [and the last preceding] subdivision [relating to stairway enclosures] can be dispensed with or modified without endangering the safety of *employees* [persons employed in such buildings, the industrial board shall have power to] *it may* adopt [such] rules [and regulations as may, in its opinion, meet the conditions existing in such buildings, which rules and regulations may make said requirements inapplicable or] modify [the same]*ing the requirements of this subdivision* in such manner as it [may] finds [to be] adapted to securing the safety of *employees.* [persons employed therein.] The industrial board [shall have power to] *may* adopt rules [and regulations] permitting, under conditions therein prescribed, as a substitute for the stairway enclosures herein required the use of partitions [heretofore] constructed *before October first, nineteen hundred and thirteen,* in such manner and of such fire resisting material as [have heretofore been] *were* approved *before that date* by the local authorities exercising supervision over the construction and alteration of buildings. [In such cases, however, e]*Every* opening in the [enclosing] partitions *required by this subdivision or by rules adopted thereunder* shall be provided with fire doors *except where such openings are in the exterior wall of the building in which case if they are within thirty feet of another building they shall be provided with fireproof windows or fire doors.*

3. Width of stairways. All stairways erected after July first, nineteen hundred and fourteen, shall be not less than three feet wide.

[3]4. Doors. Where five or more persons are employed on any floor [of a factory building every] *all* doors on such floor leading to or opening on any [means of] exit shall open outwardly or be double swinging doors *or be so constructed as to slide freely.* All exit doors in the first story, including the doors of the vestibule, shall open outwardly.

[4. Fire-escapes. All outside fire-escapes shall be constructed of wrought iron or steel and shall be so designed, constructed and

erected as to safely sustain on all platforms, balconies and stairways a live load of not less than ninety pounds per square foot with a factor of safety of four. Wherever practicable, a continuous run or straight run stairway shall be used. On every floor above the first there shall be balconies or landings embracing one or more easily accessible and unobstructed openings at each floor level, connected with each other and with the ground by means of a stairway constructed as hereinafter provided and well fastened and secured. All openings leading to outside fire-escapes shall have an unobstructed width of at least two feet and an unobstructed height of at least six feet and shall extend to the floor level or within six inches thereof, and shall be not more than seven inches above the floor of the fire-escape balcony. Such opening shall have metal frames and be provided with doors constructed of fireproof material with wired glass where glass is used. All windows opening upon the course of the fire-escape shall be fireproof windows. The balconies shall have an unobstructed width of at least four feet throughout their length and shall have a landing not less than twenty-four inches square at the head of every stairway. There shall be a passageway between the stairway opening and the side of the building at least eighteen inches wide throughout except where the stairways reach and leave the balconies at the ends or where double run stairways are used. The stairway opening of the balconies shall be of a size sufficient to provide clear headway and shall be guarded on the long side by an iron railing not less than three feet in height. Each balcony shall be surrounded by an iron railing not less than three feet in height thoroughly and properly braced. The balconies shall be connected by stairways not less than twenty-two inches wide placed at an incline of not more than forty-five degrees, with steps of not less than eight-inch tread and not over eight-inch rise and provided with a handrail not less than three feet in height. The treads of such stairways shall be so constructed as to sustain a live load of four hundred pounds per step with a factor of safety of four. There shall be a similar stairway from the top floor balcony to the roof, except where the fire-escape is erected on the front of the building. A similar stairway shall also be provided from the lowest balcony to a safe landing place beneath, which stairway shall remain down permanently or be arranged to swing up and down automatically by counterbalancing weights. When not erected on the front of the building, safe and unobstructed egress

shall be provided from the foot of the fire-escape by means of an open court or courts or a fireproof passageway having an unobstructed width of at least three feet throughout leading to the street, or by means of an open area having communication with the street; such fireproof passageway shall be adequately lighted at all times and the lights shall be so arranged as to ensure their reliable operation when through accident or other cause the regular factory lighting is extinguished.

5. The provisions of subdivision four shall not apply where at the time this act takes effect there are outside fire-escapes with balconies on each floor of the building connected with stairways placed at an angle of not more than sixty degrees, provided that such existing outside fire-escapes have or shall be provided with the following:

A stairway leading from the top floor balcony to the roof, except where the fire-escapes are erected on the front of the building; a stairway not less than twenty-two inches wide from the lowest balcony to a safe landing place beneath, which stairway remains down permanently or is arranged to swing up and down by counter-balancing weights; a safe and unobstructed exit to the street from the foot of such fire-escapes as provided in subdivision four hereof; steps connecting the sill of every opening leading to the fire-escapes with the floor wherever such sill is more than three feet above the floor level; and all openings leading to the fire escapes provided with windows having metal frames and sash and with wired glass where glass is used, or with doors constructed in accordance with the requirements of subdivision four; and all windows opening upon the course of the fire-escape provided with fireproof windows.]

§ [79-c] *192.* Additional requirements common to *all* buildings [heretofore and hereafter erected]. No factory shall be conducted in any building unless such building shall be so constructed, equipped and maintained in all respects as to afford adequate protection against fire to all persons employed therein, nor unless, in addition to the requirements of section [seventy-nine-a] *one hundred and ninety,* in the case of a building [hereafter] erected *after October first, nineteen hundred and thirteen,* or of section [seventy-nine-b] *one hundred and ninety-one,* in the case of a building [heretofore] erected *before that date,* such building shall conform to the following requirements:

1. Access to exits. Safe and continuous passageways with an unobstructed width of at least three feet throughout their length and leading directly to every exit including fire-escapes and passenger elevators, shall be maintained at all times on every floor of the building. Every exit shall be maintained in an unobstructed condition.

[1]*2.* Stairways. Stairways shall be provided with proper [and substantial] hand-rails. Where the stairway is enclosed by fireproof partitions the bottom of the enclosure shall be of fireproof material at least four inches thick unless the fireproof partitions extend to the cellar bottom. All stairways that extend to the top story shall be continued to the roof.

[2]*3.* Doors and windows. *No door leading out of any factory shall be locked, bolted or fastened during working hours. No door constituting an entrance to the factory building shall be locked, fastened or bolted on either side during working hours.* No door, window or other opening on any floor of a factory building shall be obstructed by stationary metal bars, grating or wire mesh. Metal bars, grating or wire mesh provided for any such door, window or other opening shall be so constructed as to be readily movable or removable [from both sides] in such manner as to afford the free and unobstructed use of such door, window or other opening as a means of egress in case of need [and they]. *Such openings* shall be left unlocked during working hours. Every door opening on a stairway or other [means of] exit shall so open as not to obstruct the passageway. A clearly painted sign marked "exit" in letters not less than eight inches in height shall be placed over all [exits] *openings* leading to stairways and other [means of egress] *exits,* and in addition a red light shall be placed over all such [exits] *openings* for use in time of darkness.

[3. Access to exits. There shall at all times be maintained continuous, safe, unobstructed passageways on each floor of the building, with an unobstructed width of at least three feet throughout their length leading directly to every means of egress, including outside fire-escapes and passenger elevators. All means of egress shall be maintained in an unobstructed condition. No door leading into or out of any factory or any floor thereof shall be locked, bolted or fastened during working hours.]

4. Regulation by industrial board. The industrial board [shall have power to] *may* adopt rules [and regulations] and establish

requirements and standards for construction, equipment and maintenance of factory buildings or of particular classes of factory buildings and the means and adequacy of exit therefrom in order to carry out the purposes of this chapter in addition to the requirements of this section and of sections [seventy-nine-a and seventy-nine-b, and not inconsistent therewith.] *one hundred and ninety, one hundred and ninety-one, and one hundred and ninety-two.*

§ 193. Fire-escapes erected after October first, nineteen hundred and thirteen. All outside fire-escapes erected after October first, nineteen hundred and thirteen, whether serving as required exits or otherwise shall conform to the following requirements:

1. They shall be built of wrought iron or steel and shall be so constructed and erected as to safely sustain on all platforms, balconies and stairways a live load of not less than ninety pounds per square foot with a factor of safety of four.

2. Whenever practicable a continuous run or straight run stairway shall be built.

3. All openings leading thereto shall have an unobstructed width of at least two feet and an unobstructed height of at least six feet. Such openings shall extend to the floor level or within six inches thereof, and shall be not more than seven inches above the floor of the fire-escape balcony and shall have metal frames or frames covered with metal and be provided with doors constructed of fireproof material with wired glass where glass is used, except in buildings five stories or under in height erected prior to October first nineteen hundred and thirteen, in which case the provisions of subdivisions five and six of section one hundred and ninety-four with reference to sills leading to fire-escapes and openings leading to fire-escapes shall apply.

4. All windows opening upon the course of the fire-escape shall be fireproof windows.

5. On every floor above the first there shall be a balcony firmly fastened to the building and embracing one or more easily accessible and unobstructed openings. The balconies shall have an unobstructed width of at least four feet throughout their length and shall have a landing not less than twenty-four inches square at the head of every stairway. There shall be a passageway between the stairway opening and the side of the building at least eighteen

inches wide throughout except where the stairways reach and leave the balconies at the ends or where double run stairways are used. The stairway opening of the balconies shall be of a size sufficient to provide clear headway and shall be guarded on the long side by an iron railing not less than three feet in height. Each balcony shall be surrounded by an iron railing not less than three feet in height properly braced.

6. The balconies shall be connected by stairways not less than twenty-two inches wide placed at an incline of not more than forty-five degrees, with steps of not less than eight-inch tread and not over eight-inch rise and provided with a handrail not less than three feet above the treads. The treads of such stairways shall be so constructed as to sustain a live load of four hundred pounds per step with a factor of safety of four.

7. There shall be a similar stairway from the top floor balcony to the roof, except where the fire-escape is erected on the front of the building.

8. A similar stairway shall also be provided from the lowest balcony to a safe landing place beneath, which stairway shall remain down permanently or be arranged to swing up and down automatically by counterbalancing weights.

9. When not erected on the front of the building, safe and unobstructed egress shall be provided from the foot of the fire-escape by means of an open court or courts or a fireproof passageway having an unobstructed width of at least three feet throughout leading to the street, or by means of an open area having communication with the street[;]. Such fireproof passageway shall be adequately lighted at all times and the lights shall be so arranged as to insure their reliable operation when through accident or other cause the regular factory lighting is extinguished.

§ 194. Fire-escapes erected before October first, nineteen hundred and thirteen. The industrial board may in its discretion adopt requirements as to outside fire-escapes erected before October first, nineteen hundred and thirteen, and not serving as required exits.

All outside fire-escapes erected before October first, nineteen hundred and thirteen, and serving as required exits under the provisions of section one hundred and ninety-one shall conform to the following requirements:

1. There shall be balconies on each floor of the building connected with stairways placed at an [angle] *incline of not more than sixty degrees.*

2. A stairway shall lead from the top floor balcony to the roof, except when the fire-escapes are erected on the front of the building.

3. A stairway not less than twenty-two inches wide shall lead from the lowest balcony to a safe landing place beneath, which stairway shall remain down permanently or swing up and down by counterbalancing weights.

4. A safe and unobstructed exit shall be provided to the street from the foot of such fire-escapes as required in subdivision nine of section one hundred and ninety-three.

5. Steps shall connect the sill of every opening leading to the fire-escapes with the floor wherever such sill is more than three feet above the floor level.

6. All openings leading to the fire-escapes shall be provided with windows having metal frames and sash or frames and sash covered with metal and with wired glass where glass is used, or with doors constructed of fireproof material with wired glass where glass is used.

7. All windows opening upon the course of the fire-escape, shall be fireproof windows.

8. The balconies and stairway openings shall be properly guarded by iron railings.

§ 195. Special laws and local ordinances. The requirements of sections one hundred and ninety to one hundred and ninety-four inclusive, are not in substitution for the requirements of any general or special law or local ordinance relating to the construction, equipment or maintenance of buildings, but the provisions of such general and special laws and local ordinances shall be observed as well as the provisions of said sections. The provisions of sections one hundred and ninety to one hundred and ninety-four inclusive shall supersede all provisions inconsistent therewith in any special law or local ordinance, and any provision of law or ordinance which gives power to any officer to establish requirements inconsistent with the provisions of such sections or the rules adopted by the industrial board under the provisions of this chapter.

§ [79-d.] *196.* [Effect of foregoing provisions; i]*I*nspection of buildings and approval of plans. [1. Effect of foregoing provisions. The requirements of sections seventy-nine-a, seventy-nine-b and seventy-nine-c are not in substitution for the requirements of any general or special law or local ordinance relating to the construction, equipment or maintenance of buildings, but the provisions of such general and special laws and local ordinances shall be observed as well as the provisions of said sections. The provisions of sections seventy-nine-a, seventy-nine-b and seventy-nine-c shall supersede all provisions inconsistent therewith in any special law or local ordinance, and any provision of law or ordinance which gives power to any officer to establish requirements inconsistent with the provisions of such sections or the rules and regulations adopted by the industrial board under the provisions of this article.]

[2]*1.* Inspection of buildings. The officer of any city, village or town having power to inspect buildings therein for the purpose of determining their conformity to the requirements of law or ordinance governing the construction thereof, shall, whenever requested by the commissioner [of labor], inspect any factory building therein and certify to the commissioner [of labor] in detail whether or not such building conforms to the requirements of this chapter and the rules [and regulations] of the industrial board, and such certificate shall be filed in the office of the commissioner [of labor] and shall be presumptive evidence of the truth of the matters therein stated.

[3]*2.* Approval of plans. Before construction or alteration of a building in which it is intended to conduct one or more factories, the plans and specifications for such construction or alteration may be submitted to the commissioner [of labor] and filed in his office in such form and with such information as may be required by him or by the rules [and regulations] of the industrial board, and if such plans and specifications comply with the requirements of this chapter and the rules [and regulations] of the industrial board, he shall issue his certificate approving the same, which certificate shall bear the date when issued. Whenever any certificate shall be issued by the commissioner [of labor] under this section the particulars of such certificate shall be recorded and indexed in the records of his office. Before issuing any such certificate the commissioner [of labor] may request the officer of the city, village or town in which such building is located having power to

examine and pass upon plans for construction of buildings with reference to their conformity to the requirements of law or ordinance governing the construction thereof, to examine such plans and specifications and to certify to the commissioner [of labor] whether or not such plans and specifications conform to the requirements of this chapter and the rules [and regulations] of the industrial board[, and s]. *S*uch officer shall thereupon make such examination and so certify in detail to the commissioner [of labor and s]. *S*uch certificate shall be filed in the office of the commissioner [of labor] and shall be presumptive evidence of the truth of the matters therein stated.

[4]*3*. Certificate of compliance. After such construction or alteration shall be completed, the commissioner [of labor] shall, when requested by the owner or person filing such plans, ascertain by inspection or in the manner provided in subdivision [two] *one* of this section, whether such building conforms to the requirements of this chapter and the rules [and regulations] of the industrial board; and if he finds that it does conform thereto, shall issue his certificate to that effect[, which]. *Such certificate* shall bear the date when issued.

§ [79-c.]*197*. Limitation of number of occupants. The number of persons [who may occupy any factory building or portion thereof above the ground floor shall be limited to such a number as can safely escape from such building by the means of exit provided in the building.

1. In buildings hereafter erected no more than fourteen persons shall be employed or permitted or suffered to work on any one floor for every full twenty-two inches in width of stairway conforming to the requirements for a required means of exit except as to extension to the roof, provided for such floor. No allowance shall be made for any excess in width of less than twenty-two inches.] *employed in a factory building on any floor above the ground floor shall not exceed the following:*

1. In any building erected after October first, nineteen hundred and thirteen, fourteen persons for every twenty-two inches in width of stairway provided for such floor and conforming to the requirements for required exits, except as to extension to the roof. No allowance shall be made for any excess in width of less than twenty-two inches.

2. In *any* building[s heretofore] erected [no more than] *before October first, nineteen hundred and thirteen,* fourteen persons, [shall be employed or permitted or suffered to work on any one floor] for every eighteen inches in width of stairway provided for such floor and conforming to the requirements for [a] required [means of] exits except as to extension to the roof [and f]. *For* any excess in width of less than eighteen inches, a proportionate increase in the number of occupants shall be allowed. *If any stairway has steps of the type known as "winders," a deduction of ten per centum shall be made in counting the capacity of such stairway.* Where the industrial board [shall] finds that the safety of the occupants of any such building will not be endangered thereby, it may allow an increase in the number of occupants of any floor in such building to a number not greater than at the rate of twenty persons for every eighteen inches in width of such stairway provided for such floor, with a proportionate increase in the number of occupants for any excess in width of less than eighteen inches.

3. [In any building for every additional sixteen inches over ten feet in height between two floors, one additional person may be employed on the upper of such floors for every eighteen inches in width of stairway leading therefrom to the lower of such floors in buildings heretofore erected, and one for every twenty-two inches in width of such stairway in buildings hereafter erected, provided that such stairways conform to the requirements for required means of exit except as to extension to the roof.

4. In any building, if any stairway has steps of the type known as "winders," a deduction of ten per centum shall be made in counting the capacity of such stairway.] *On any floor which is more than ten feet from the one immediately beneath, the number "fourteen" allowed in subdivisions one and two may be increased by one person for every sixteen inches over ten feet between the two floors.*

4. The number of persons employed on any floor under subdivisions one, two and three may be increased fifty per centum where there is maintained throughout the building an automatic sprinkler system conforming to the requirements of section two hundred and to the rules of the industrial board.

5. [In any building where the stairways and stairhalls are enclosed in fireproof partitions or where, at the time this act takes

effect, the stairways and stairhalls are enclosed in partitions of brick, concrete, terra-cotta blocks or reinforced concrete constructed in a manner heretofore approved by the superintendent of buildings of the city of New York having jurisdiction if in such city, or elsewhere in the state, in a manner conforming to the rules and regulations to be adopted by the industrial board under the provisions of subdivision two of section seventy-nine-b, all openings in which enclosing partitions are or shall hereafter be provided with fireproof doors, in either of such cases so many additional persons may be employed on any floor as can occupy the enclosed stairhall or halls on that floor, allowing five square feet of unobstructed floor space per person.] *In any building where the stairways and stairhalls are enclosed by partitions as required in this subdivision, so many persons may be employed on any floor in addition to the number allowed in subdivisions one, two and three, as can occupy the enclosed stairhalls on that floor, allowing five square feet of unobstructed floor space per person.*

The stairways and stairhalls shall be enclosed by fireproof partitions or if the partitions have been constructed before October first, nineteen hundred and thirteen, they shall be built as follows:

a. Of brick, concrete, terra-cotta blocks or reinforced concrete.

b. All openings therein provided with fire doors.

c. If in the city of New York, in a manner approved before October first, nineteen hundred and thirteen, by the superintendent of buildings having jurisdiction.

d. If elsewhere, in a manner conforming to rules adopted by the industrial board under subdivision two of section one hundred and ninety-one.

6. [In any building where] *On any floor at which* a horizontal exit is provided [on any floor such number of] *so many* persons may be employed [on such floor] as can occupy the smaller of the [two] spaces [on such floor] on either side of the [fireproof partitions or] fire wall[s], or as can occupy the floor of an [adjoining or near-by] *adjacent* building which is connected with such floor by openings in the wall or walls between the buildings or by exterior balconies or bridges, in addition to the occupants of such connected floor in such [adjoining or near-by] *adjacent* building, allowing five square feet of unobstructed floor space per person *in either case.* [provided that the partitions or walls or balconies through which the horizontal exit is provided to such other portion of the same building or to such adjoining or near-by

building shall have doorways of sufficient] *The openings constituting such exits, or if such exits are balconies or bridges the openings leading thereto, shall be of sufficient aggregate* width to allow eighteen inches in width of openings for each fifty persons or fraction thereof [so permitted to be] employed on such floor in the case of horizontal exits [heretofore] constructed *before October first, nineteen hundred and thirteen,* and twenty-two inches in the case of horizontal exits [hereafter] constructed *after that date.*

7. In any *fireproof* building [heretofore] erected *before October first, nineteen hundred and thirteen,* [of fireproof construction,] where any floor is subdivided by *a* partition[s of brick, terra cotta or concrete and not less than four inches thick extending continuously from the fireproofing of the floor to the underside of the fireproofing of the floor above, with all openings protected by fireproof doors not less than forty-four inches nor more than sixty-six inches in width, and in which] *conforming to the requirements of this subdivision and* all the windows on such floor and on the two floors [directly underneath] *immediately beneath* are fireproof [windows, such number of] *so many* persons may be employed on such floor as can occupy the smaller of the [two] spaces on either side of such partition[s], allowing five square feet of unobstructed floor space per person,[, provided there shall be on each side of said partitions at least one stairway conforming to the requirements for a required means of exit; and provided further that such partitions have doorways of sufficient width to allow eighteen inches in width of openings for each fifty persons or fraction thereof so permitted to occupy such floor, and that such doorways shall be kept unlocked and unobstructed during working hours.] The provisions of this subdivision shall apply to any fireproof building [heretofore] erected *before October first, nineteen hundred and thirteen,* which may hereafter be made to conform to the requirements of this [section.] *subdivision.*

The partition shall be of brick, terra cotta or concrete not less than four inches thick extending continuously from the fireproofing of the floor to the underside of the fireproofing of the floor above. All openings in the partition shall be protected by fire doors not less than thirty-six inches nor more than sixty-six inches in width, which shall be kept unlocked and unobstructed during working hours. On each side of the partition there shall be at least one stairway conforming to the requirements for required

exits. The partition shall have doorways of sufficient aggregate width to allow eighteen inches in width of openings for each fifty persons or fraction thereof employed on such floor.

[8. In any building the number of persons permitted to be employed on any one floor under the provisions of subdivisions one, two and three of this section may be increased fifty per centum where there is constructed, installed and maintained throughout the building an automatic sprinkler system conforming to the requirements of section eighty-three-b of this chapter and to the rules and regulations of the industrial board.]

8. [9.] In any building, the number of persons who may be employed on any [one] floor shall in no event exceed such number as can occupy such floor, allowing thirty-six square feet of floor space per person [if the] *in a non-fireproof* building [is not of fireproof construction,] and thirty-two square feet of floor space per person [if the] *in a fireproof* building. [is of fireproof construction.]

9. [10.] Where one floor is occupied by more than one tenant, the industrial board shall [have power to] make rules [and regulations] prescribing how many of the persons allowed to occupy such floor under the provisions of this section, may occupy the space of each tenant.

10. [11. Posting.] In every factory *building* two stories or over in height, the commissioner [of labor] shall cause to be posted *in a conspicuous place in every stairhall and workroom,* notices specifying the number of persons that may occupy each floor thereof in accordance with the provisions of this section. [Every such notice shall be posted in a conspicuous place in every stairhall and workroom.] If any [one] floor is occupied by more than one tenant, such notices shall be posted in the space occupied by each tenant, and shall state the number of persons that may occupy such space. Every [such] notice shall bear the date when posted. *Such notices shall not be removed without permission of the department.*

§ *198.* [83-a.] Fire alarm signal systems. [and fire drills. 1.] Every factory building over two stories in height in which more than twenty-five persons are employed above the ground floor shall be equipped with a fire alarm signal system with a sufficient number of signals clearly audible to all occupants thereof. [The industrial board may make rules and regulations prescribing the number

and location of such signals.] Such system shall be installed *and maintained in good working order* [by the owner or lessee of the building and] *It* shall permit the sounding of all the alarms within the building whenever the alarm is sounded in any portion thereof. [Such system shall be maintained in good working order.] No person shall tamper with, or render ineffective any portion of [said] *the* system except to repair [the same] *it*. It shall be the duty of whoever discovers a fire to cause an alarm to be sounded immediately. *In the city of New York the fire commissioner of such city, and elsewhere, the state fire marshal shall enforce this section.*

[2. In every factory building over two stories in height in which more than twenty-five persons are employed above the ground floor, a fire drill which will conduct all the occupants of such building to a place of safety and in which all the occupants of such building shall participate simultaneously shall be conducted at least once a month.

In the city of New York the fire commissioner of such city, and in all other parts of the state, the state fire marshal shall cause to be organized and shall supervise and regulate such fire drills, and shall make rules, regulations and special orders necessary or suitable to each situation and in the case of buildings containing more than one tenant, necessary or suitable to the adequate co-operation of all the tenants of such building in a fire drill of all the occupants thereof. Such rules, regulations and orders may prescribe upon whom shall rest the duty of carrying out the same. Such special orders may require posting of the same or an abstract thereof. A demonstration of such fire drill shall be given upon the request of an authorized representative of the fire department of the city, village or town in which the factory is located, and, except in the city of New York, upon the request of the state fire marshal or any of his deputies or assistants.

3. In the city of New York the fire commissioner of such city, and elsewhere, the state fire marshal is charged with the duty of enforcing this section.]

§ *199. Fire drills. In every factory building over two stories in height in which more than twenty-five persons are employed above the ground floor, a fire drill which will conduct all the occupants of such building to a place of safety and in which all the*

occupants of such building shall participate simultaneously shall be conducted at least once a month.

In the city of New York the fire commissioner of such city, and elsewhere the state fire marshal shall enforce this section and shall cause to be organized and shall supervise and regulate such fire drills, and shall make rules, regulations and special orders necessary or suitable to each situation and in the case of buildings containing more than one tenant, necessary or suitable to the adequate co-operation of all the tenants of such building in a fire drill of all the occupants thereof. Such rules, regulations and orders may prescribe upon whom shall rest the duty of carrying out the same and may require posting of the same or an abstract thereof. A demonstration of such fire drill shall be given upon the request of an authorized representative of the fire department of the city, village or town in which the factory is located, and, except in the city of New York, upon the request of the state fire marshal or any of his deputies or assistants.

§ [83-b.]*200.* Automatic sprinklers. In every factory building [over seven stories or over ninety feet in height] in which wooden flooring or wooden trim is used and more than two hundred people are regularly employed above the seventh floor or more than ninety feet above the ground level of [such] *the* building, the owner of the building shall install *and maintain* an automatic sprinkler system approved as to form and manner *of construction and installation* in the city of New York by the fire commissioner of such city, and elsewhere by the state fire marshal. Such installation shall be made within one year after [this section takes effect] *April sixteenth, nineteen hundred and twelve,* but the fire commissioner of the city of New York in such city, and the state fire marshal elsewhere may, for good cause shown, extend such time for an additional year. [A failure to comply with this section shall be a misdemeanor as provided by section twelve hundred and seventy-five of the penal law, and t]*T*he provisions hereof shall [also] be enforced in the city of New York by the fire commissioner of such city [in the manner provided by the title three of chapter fifteen of the Greater New York charter] and elsewhere by the state fire marshal [in the manner provided by article ten-a of the insurance law].

§ [83-c.]*201.* Fireproof receptacles[; gas jets; smoking]. [1.] Every factory shall be provided with properly covered fireproof receptacles, the number, style and location of which shall be approved in the city of New York by the fire commissioner, and elsewhere, by the commissioner of labor. There shall be deposited in such receptacles all inflammable waste materials, cuttings and rubbish. No waste materials, cuttings or rubbish shall be permitted to accumulate on the floors of any factory but shall be removed therefrom not less than twice each day. All [such] waste materials, cuttings [or] *and* rubbish shall be entirely removed from a factory building at least once in each day, except that baled waste material may be stored in fireproof enclosures. [provided that a]*A*ll such baled waste material shall be removed from such building at least once in each month.

[2. All gas jets or lights in factories shall be properly enclosed by globes, wire cages or otherwise properly protected in the manner approved in the city of New York by the fire commissioner of such city, and elsewhere, by the commissioner of labor.

3. No person shall smoke in any factory. A notice of such prohibition stating the penalty for violation thereof shall be posted in every entrance hall and every elevator car, and in every stair-hall and room on every floor of such factory in English and also in such other language or languages as the fire commissioner of the city of New York in such city, and elsewhere, the state fire marshal, shall direct. The fire commissioner of the city of New York in such city, and elsewhere, the state fire marshal shall enforce the provisions of this subdivision.]

§ 202. Gas jets. All gas jets or other lights in factories shall be properly enclosed by globes, or wire cages or shall be otherwise properly protected in a manner approved in the city of New York by the fire commissioner of such city, and elsewhere, by the commissioner of labor.

§ 203. Smoking. No person shall smoke in any factory. A notice of such prohibition stating the penalty for violation thereof shall be kept posted in every entrance hall, elevator car, stair-hall and room of a factory in English and also in such other language as the fire commissioner of the city of New York in such city, and elsewhere, the state fire marshal, shall direct. The fire commissioner of the city of New York in such city, and elsewhere, the

state fire marshal shall enforce this section. Such notices shall be furnished by the officer charged with the enforcement of this section.

TITLE III. SANITATION.

§ [84]*210.* Cleanliness of *factory* rooms. Every room in a factory [and] *including* the floor[s], walls, ceiling[s], windows and every other part thereof and all fixtures therein shall at all times be kept in a clean and sanitary condition. The walls and ceiling[s] of [each] *such* room [in a factory] shall be *kept properly* lime washed or painted, except when properly tiled or covered with slate or marble with a finished surface. [Such lime wash or paint shall be renewed whenever necessary as may be required by the commissioner of labor.] Floors *in a factory* shall, at all times, be maintained in a safe condition. No person shall [spit or] expectorate upon the walls, floors or stairs of any *factory* building. [used in whole or in part for factory purposes.] Sanitary cuspidors shall be provided, in every workroom in a factory in sufficient numbers. Such cuspidors shall be thoroughly cleaned daily. Suitable receptacles shall be provided and used for the storage of waste and refuse[; s]. *S*uch receptacles shall be maintained in a sanitary condition.

§ [84-a.]*211.* Cleanliness of factory buildings. Every part of a factory building and of the premises thereof and the yards, courts, passages, areas or alleys connected with or belonging to the same, shall be kept [clean, and shall be kept] free from any accumulation of dirt, filth, rubbish or garbage [in or on the same]. The roof, passages, stairs, halls, basements, cellars, privies, water-closets, [cesspools, drains] and all other parts of such building and the premises thereof shall at all times be kept in a clean, sanitary and safe condition. The entire building and premises shall be well drained and the plumbing, *cesspools and drains* thereof at all times kept in proper repair and in a [clean and] sanitary condition.

§ *212. Drinking water. In every factory there shall be provided at all times for the use of employees, a sufficient supply of clean and pure drinking water. Such water shall be supplied through proper pipe connections with water mains through which is conveyed the water used for domestic purposes, or, from a spring or well or body of pure water. If such drinking water*

be placed in receptacles in the factory, such receptacles shall be properly covered to prevent contamination and shall be thoroughly cleaned at frequent intervals.

§ [88]*213.* [Drinking water,] Washrooms. [and dressing rooms. 1. In every factory there shall be provided at all times for the use of employees, a sufficient supply of clean and pure drinking water. Such water shall be supplied through proper pipe connections with water mains through which is conveyed the water used for domestic purposes, or, from a spring or well or body of pure water; if such drinking water be placed in receptacles in the factory, such receptacles shall be properly covered to prevent contamination and shall be thoroughly cleaned at frequent intervals.]

[2.] In every factory there shall be provided and maintained for the use of employees [suitable] *adequate* and convenient washrooms *or washing facilities;* [separate for each sex, adequately equipped with] *such* washing facilities *shall* consist[ing] of sinks or stationary basins provided with running water or with tanks holding an adequate supply of clean water. *Wherever required by the industrial board such washrooms and washing facilities shall be separate for each sex.* Every washroom shall be provided [with means for artificial illumination and] with adequate means of ventilation *and heating and artificial illumination.* [All washrooms and washing facilities shall be constructed, lighted, heated, ventilated, arranged and maintained according to rules and regulations adopted with reference thereto by the industrial board.] In all factories where lead, arsenic or other poisonous substances or injurious or noxious fumes, dust or gases are present as an incident or result of the business or processes conducted by such factory [there shall be provided] *the* washing facilities [which] shall include hot water and soap and individual towels.

[3. Where females are employed, dressing or emergency rooms shall be provided for their use; each such room shall have at least one window opening to the outer air and shall be enclosed by means of solid partitions or walls. In every factory in which more than ten women are employed, there shall be provided one or more separate dressing rooms in such numbers as required by the rules and regulations of the industrial board and located in such place or places as required by such rules and regulations, having an adequate floor space in proportion to the number of employees, to be fixed by the rules and regulations of the industrial

board, but the floor space of every such dressing room shall in no event be less than sixty square feet; each dressing room shall be separated from any water closet compartment by adequate partitions and shall be provided with adequate means for artificial illumination; each dressing room shall be provided with suitable means for hanging clothes and with a suitable number of seats. All dressing rooms shall be enclosed by means of solid partitions or walls, and shall be constructed, heated, ventilated, lighted and maintained in accordance with such rules and regulations as may be adopted by the industrial board with reference thereto.]

§ *214. Dressing rooms. In every factory where females are employed a sufficient number of dressing rooms conveniently located shall be provided for their use. Each dressing room shall be properly ventilated by a window or by suitable ducts leading to the outer air and shall be enclosed by partitions or walls. Each dressing room shall be provided with adequate means for artificial illumination, suitable means for hanging clothes and a suitable number of seats and shall be properly heated and ventilated. Each dressing room shall be separated from any water closet compartment by adequate partitions. Adequate floor space shall be provided in dressing rooms in proportion to the number of employees. Where more than ten women are employed the dressing room shall have a floor space of not less than sixty square feet and shall have at least one window opening to the outer air.*

§ [88-a.]*215.* Water closets. 1. [In every factory t]*T*here shall be provided *for every factory a sufficient number of* suitable and convenient water closets [separate for each sex, in such number and located in such place or places as required by the rules and regulations of the industrial board]. All water closets shall be maintained inside the factory *building* except where, in the opinion of the commissioner [of labor], it is impracticable to do so.

2. There shall be separate water closet compartments *or toilet rooms* for females, to be used by them exclusively, and notice to that effect shall be *clearly marked at the entrance to* [painted on the outside of] such compartments *or rooms.* The entrance to every water closet *compartment or toilet room* [used by females] shall be effectively screened by a partition or vestibule. Where water closets for males and females are in adjoining compartments *or toilet rooms,* there shall be [solid plastered or metal covered] partitions *of substantial construction* between the com-

partments *or rooms* extending from the floor to the ceiling *and such partitions shall be plastered or metal covered to a sufficient height.* [whenever any water closet compartments open directly into the workroom exposing the interior, they shall be screened from view by a partition or a vestibule.] The use of curtains for screening purposes is prohibited.

3. The use of any form of trough water closet, latrine or school sink within any factory *building* is prohibited *except fixtures installed prior to July first, nineteen hundred and fourteen, having a common flushing system and approved by the industrial board in its rules.* All such trough water closets, latrines or school sinks shall, before the first of October, nineteen hundred and fourteen, be completely removed and the place where they were located properly disinfected under the direction of the department [of labor. Such appliances shall be replaced by proper individual water closets, placed in water closet compartments, all of which shall be constructed and installed in accordance with rules and regulations to be adopted by the industrial board].

4. Every [existing] water closet and urinal *installed before October first, nineteen hundred and thirteen, for any factory* inside any factory *building* shall have a basin of enameled iron or earthenware, and shall be flushed from a separate water-supplied cistern or through a [floushometer] *proper* valve connected in such manner as to keep the water supply of the factory free from contamination. *All water closet compartments or toilet rooms constructed before October first, nineteen hundred and thirteen, shall have windows or suitable ducts leading to the outer air.*

5. All woodwork enclosing water closet fixtures shall be removed from the front of the closet and the space underneath the seat shall be left open. [The floor or other surface beneath and around the closet shall be maintained in good order and repair and all the woodwork shall be kept well painted with a light-color paint.] All [existing] water closet compartments shall [have windows leading to the outer air and shall] be [otherwise] *properly* ventilated [in accordance with rules and regulations adopted for that purpose by the industrial board. Such compartments] *and* shall be provided with *adequate* means for artificial illumination. [and the enclosure of each compartment shall be kept free from all obscene writing or marking.

5.]*6.* All water closets, urinals, [and] water closet compartments *and toilet rooms* hereafter installed in a factory, including those provided to replace existing fixtures, shall be properly constructed, installed, ventilated, lighted and maintained in accordance with such rules [and regulations] as may be adopted by the industrial board.

[6.]7. All water closet compartments, and the floors, walls, ceilings and surface thereof, and all fixtures therein, and all water closets and urinals shall at all times be [kept and] maintained in a clean and sanitary condition. *The floor or other surface beneath and around the closet shall be maintained in good order and repair and all the wood work shall be kept well painted with a light-color paint. The enclosure of each compartment and toilet room shall be kept free from obscene writing or marking.* Where the water supply to water closets or urinals is liable to freeze, the water closet compartment shall be properly heated so as to prevent freezing, or the supply and flush pipes, cisterns and traps and valves shall be effectively covered with wool felt or hair felt, or other adequate covering.

[7. All water closets shall be constructed, lighted, ventilated, arranged and maintained according to rules and regulations adopted with reference thereto by the industrial board.]

§ [92.]*216.* Laundries. A shop, room or building where one or more persons are employed in doing public laundry work by way of trade or for purposes of gain is a factory within the meaning of this chapter, and shall be subject to [the visitation and inspection of the commissioner of labor and] the provisions of this chapter in the same manner as any other factory. No such public laundry work shall be done in a room used for a sleeping or living room. All such laundries shall be kept in a clean condition and free from vermin and all impurities of an infectious or contagious nature. This section shall not apply to any female engaged in doing custom laundry work at her home for a regular family trade.

§ [95.]*217.* Unclean factories. If the commissioner [of labor] finds evidence of contagious disease in any factory he shall affix to any articles therein exposed to such contagion a label containing the word " unclean " and shall notify the local board of health, who may disinfect such articles and thereupon remove such label.

If the commissioner [of labor] finds that any [workroom or] factory *or workroom therein* is foul, unclean, or unsanitary, he may, after first making and filing in the public records of his office a written order stating the reasons therefor, affix to any articles therein found a label containing the word " unclean." *With the exception of the local board of health,* [N]*no* one but [the commissioner of labor] *an authorized representative of the department* shall remove any label so affixed; and he may refuse to remove it until such articles [shall have been] *are* removed from such factory and cleaned, or until such room [or rooms shall have been] *is* cleaned or made sanitary.

§ [98. Labor camps.]*218. Living quarters for factory employees.* Every employer operating a factory, and furnishing to the employees thereof any living quarters at any place outside the factory, either directly or through any third person by contract or otherwise, shall maintain such living quarters [and every part thereof] in a [thoroughly] sanitary condition. [The industrial board shall have power to make rules and regulations to provide for the sanitation of such living quarters. The commissioner of labor may enter and inspect any such living quarters.]

§ [86.]*219.* Ventilation, *heat and humidity.* 1. [The owner, agent or lessee of e]*Every workroom in a* factory shall *be* provided *with* [in each workroom thereof] proper and sufficient means of ventilation by natural or mechanical means or both, as may be necessary, and *there* shall *be* maintained *therein* proper and sufficient ventilation and proper degrees of temperature and humidity [in every workroom thereof] at all times during working hours. *If, owing to the nature of the manufacturing process carried on in a factory workroom, excessive heat be created therein, there shall be provided, maintained and operated such special means or appliances as may be required to reduce such excessive heat.*

2. All grinding, polishing or buffing wheels used in the course of the manufacture of articles of the baser metals shall be equipped with proper hoods and pipes and such pipes shall be connected to an exhaust fan of sufficient capacity and power to remove all matter thrown off such wheels in the course of their use. Such fan shall be kept running constantly while such grinding, polishing or buffing wheels are in operation. In case of wet-grinding it is unnecessary to comply with this subdivision unless required

by the rules of the industrial board. All machinery creating dust or impurities shall be equipped with proper hoods and pipes and such pipes shall be connected to an exhaust fan of sufficient capacity and power to remove such dust or impurities; such fan shall be kept running constantly while such machinery is in use. If in case of wood-working machinery, the industrial board decides that such apparatus is unnecessary for the health and welfare of the employees it may adopt rules excepting such machinery from the operation of this subdivision.

[2]*3.* If dust, gases, fumes, vapors, fibers or other impurities are generated or released in the course of the business carried on in any workroom of a factory, in quantities tending to injure the health of the [operatives, the person operating the factory, whether as owner or lessee of the whole or of a part of the building in which the same is situated, or otherwise, shall provide] *employees* suction devices *shall be provided* that shall remove said impurities from the workroom, at their point of origin where practicable, by means of proper hoods connected to conduits and exhaust fans of sufficient capacity to remove such impurities. [and s]*S*uch fans shall be kept running constantly while such impurities are being generated or released. [If, owing to the nature of the manufacturing process carried on in a factory workroom, excessive heat be created therein the person or persons operating the factory as aforesaid shall provide, maintain, use and operate such special means or appliances as may be required to reduce such excessive heat.]

[3]*4.* The industrial board shall [have power to] make rules [and regulations] for and fix standards of ventilation, temperature and humidity in factories and [may] *shall* prescribe the special means, if any, required for removing impurities or for reducing excessive heat, and the machinery, apparatus or appliances to be used for any of said purposes, and the construction, equipment, maintenance and operation thereof, in order to effectuate the purposes of this section.

[4]*5.* If any requirement of this section or any rule [or regulation] of the industrial board made under the provisions thereof shall not be complied with, the commissioner [of labor] shall issue [or cause to be issued] an order directing compliance therewith [by the person whose duty it is to comply therewith] within thirty days after the service of such order. [Such person shall, in case of failure to comply with the requirements of such order,

forfeit to the people of the state fifteen dollars for each day during which such failure shall continue after the expiration of such thirty days, to be recovered by the commissioner of labor. The liability to such penalty shall be in addition to the liability of such person to prosecution for a misdemeanor as provided by section twelve hundred and seventy-five of the penal law.

5. When the commissioner of labor shall issue, or cause to be issued, an order specified in subdivision four hereof h]*He* may in such order require plans and specifications to be filed for any machinery or apparatus to be provided or altered, pursuant to the requirements of such order. In such case, before providing, or making any change or alteration in any machinery or apparatus for any of the purposes specified in this section, the person upon whom such order is served shall file with the commissioner [of labor] plans and specifications therefor, and shall obtain [the] *his* approval of such plans and specifications [by the commissioner of labor] before providing or making any change or alteration in any such machinery or apparatus.

§ *220.* [85.] Size of rooms. No more [employees] *persons* shall be [required or permitted to work] *employed* in a room in a factory [between the hours of six o'clock in the morning and six o'clock in the evening] than will allow each [of such employees not less than] *person employed between the hours of six o'clock in the morning and six o'clock in the evening* two hundred and fifty cubic feet of air space; [and,] *nor* unless by a written permit of the commissioner [of labor not less] than *will allow* four hundred cubic feet for each [employee, so] *person* employed between the hours of six o'clock in the evening and six o'clock in the morning. [, provided s]*Such* room [is] *shall be* lighted by electricity [at all times during such hours, while] *whenever* persons are employed therein *between the hours of six o'clock in the evening and six o'clock in the morning and artificial light is necessary.*

§ *221. Illumination. Every workroom in a factory shall be properly and adequately lighted during working hours. Artificial illuminants shall be installed, arranged and used so that the light furnished will at all times be adequate for the work carried on therein, and so as to prevent unnecessary strain on the vision or glare in the eyes of the workers.*

TITLE IV.

FOUNDRIES.

§ [97. Brass, iron and steel f] *225. F*oundries. [1.] Foundries shall [be subject] *conform* to all the provisions of this chapter relating to factories *and also to the following requirements:*

[2] *1.* All entrances [to foundries] shall be so constructed and maintained as to minimize drafts, and all windows [therein] shall be maintained in proper condition and repair.

[3] *2.* All gangways [in foundries] shall be constructed and maintained of sufficient width to make the use thereof by employees reasonably safe. During the progress of casting such gangways shall not be obstructed in any manner.

[4] *3.* Smoke, steam and gases generated in foundries shall be effectively removed therefrom, in accordance with such rules [and regulations] as may be adopted with reference thereto by the industrial board, and whenever required by the [regulations] *rules* of such board, exhaust fans of sufficient capacity and power, properly equipped with ducts and hoods, shall be provided and operated to remove such smoke, steam and gases. The milling and cleaning of castings, and milling of cupola cinders, shall be done under such conditions to be prescribed by the rules [and regulations] of the industrial board as will adequately protect the persons employed in foundries from the dust arising during the process.

[5] *4.* All foundries shall be properly and thoroughly lighted during working hours and in cold weather proper and sufficient heat shall be provided and maintained therein.

5. The use of heaters discharging smoke or gas into workrooms is prohibited. [In all foundries s]. *S*uitable provision[s] shall be made and maintained for drying the working clothes of [persons employed therein] *employees.*

[6. In every foundry in which] *6. Where* ten or more persons are employed [or engaged at labor,] there shall be provided and maintained [for the use of employees therein] suitable and convenient washrooms [of sufficient capacity] adequately equipped with hot and cold water service. Such washrooms shall be kept clean and sanitary and shall be properly heated during cold weather. In every such foundry lockers shall be provided for the safe-keeping of employees' clothing[. In every foundry in which more than ten persons are employed or engaged at labor where] *and if outside* water closets or privy accommodations

are permitted by the commissioner [of labor to remain outside of the factory under the provisions of section eighty-eight of this chapter,] the passageway leading from the foundry to the [said] water-closets or privy accommodations shall be so protected and constructed that the employees in passing thereto or therefrom shall not be exposed to outdoor atmosphere and such water-closets or privy accommodations shall be properly heated during cold weather.

7. The flasks, molding machines, ladles, cranes and apparatus for transporting molten metal [in foundries] shall be maintained in proper condition and repair, and any such tools or implements that are defective shall not be used until properly repaired.

8. There shall be [in every foundry,] available for immediate use, an ample supply of lime water, olive oil, vaseline, bandages and absorbent cotton, to meet the needs of workmen in case of burns or other accidents; but any other equally efficacious remedy for burns may be substituted for those herein prescribed.

TITLE V.

DUTIES OF OWNERS AND OCCUPIERS.

§ [94. Tenant-factories] *226. Duties of owners and occupiers. 1. Except as in this article otherwise provided the person operating a factory whether as owner or lessee of the whole or of a part of the building in which the same is situated or otherwise, shall be responsible for the observance of the provisions of this article, anything in any lease or agreement to the contrary notwithstanding.*

2. The term "owner" when used in this article means the owner of the freehold of the premises, or the lessee of the whole thereof, or the agent in charge of the property.

3. [A tenant-factory within the meaning of the term as] *The term "tenant-factory building" when* used in this [chapter is] *section means* a building, separate parts of which are occupied and used by different persons, [companies or corporations,] and one or more of which parts is [so] used as [to constitute in law] a factory.

4. The owner[,] *of a tenant-factory building,* whether or not he is also one of the occupants, instead of the respective [lessees or] tenants, shall be responsible for the observance [and punish-

able for the nonobservance] of the following provisions of this article, anything in any lease to the contrary notwithstanding[—namely, the provisions of sections seventy-nine, eighty, eighty-two, eighty-three, eighty-six, ninety and ninety-one, and the provisions of section eighty-one with respect to the lighting of halls and stairways;]:

Section 175. Elevators and hoistways.
190. Construction of buildings erected after October first, nineteen hundred and thirteen.
191. Requirements for buildings erected before October first, nineteen hundred and thirteen.
192. Additional requirements common to all buildings.
193. Fire escapes erected after October first, nineteen hundred and thirteen.
194. Fire escapes erected before October first, nineteen hundred and thirteen.
198. Fire alarm signal systems.
200. Automatic sprinklers.
212. Drinking water.
213. Wash rooms.
215. Water closets.

except that the [lessees or] tenants also shall be responsible for the observance [and punishable for the nonobservance] of the provisions of sections [seventy-nine, eighty, eighty-six and ninety-one] *one hundred and seventy-five, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, one hundred and ninety-four, two hundred and twelve, two hundred and thirteen and two hundred and fifteen,* within their respective holdings. *The owner shall also be responsible for all other provisions of this article in so far as they affect those portions of the tenant-factory building that are used in common.* [The owner of every tenant-factory shall provide each separate factory therein with water-closets in accordance with the provisions of section eighty-eight, and with proper and sufficient water and plumbing pipes and a proper and sufficient supply of water to enable the tenant or lessee thereof to comply with all the provisions of said section. But as an alternative to providing water-closets within each factory as aforesaid, the owner may provide in the public hallways or other parts of the premises used in common where they will be at all times readily and conveniently

accessible to all persons employed on the premises not provided for in accordance with section eighty-eight, separate water-closets for each sex, of sufficient numbers to accommodate all such persons. Such owner shall keep all water-closets located as last specified at all times provided with proper fastenings, and properly screened, lighted, ventilated, clean, sanitary and free from all obscene writing or marking. Outdoor water-closets shall only be permitted where the commissioner of labor shall decide that they are necessary or preferable, and they shall then be provided in all respects in accordance with his directions. The owner of every tenant-factory shall keep the entire building well drained and the plumbing thereof in a clean and sanitary condition; and shall keep the cellar, basement, yards, areaways, vacant rooms and spaces, and all parts and places used in common in a clean, sanitary and safe condition and shall keep such parts thereof as may reasonably be required by the commissioner of labor properly lighted at all hours or times when said building is in use for factory purposes. The term "owner" as used in this article shall be construed to mean the owner or owners of the freehold of the premises, or the lessee or joint lessees of the whole thereof, or his, her or their agent in charge of the property.]

5. The [lessee or] tenant of any part of a tenant-factory *building* shall permit the owner, his agents and servants, to enter and remain upon the demised premises whenever and so long as may be necessary to comply with the provisions of law, the responsibility for which is by this section placed upon the owner; and his failure or refusal so to do shall be a cause for dispossessing said tenant by summary proceedings to recover possession of real property, as provided in the code of civil procedure. [And w]*W*henever by the terms of a lease any [lessee or] tenant [shall have] *has* agreed to comply with or carry out any of such provisions, his failure or refusal so to do shall be a cause for dispossessing said tenant by summary proceedings as aforesaid. [Except as in this article otherwise provided the person or persons, company or corporation conducting or operating a factory whether as owner or lessee of the whole or of a part of the building in which the same is situated or otherwise, shall be responsible for the observance and punishable for the nonobservance of the provisions of this article, anything in any lease or agreement to the contrary notwithstanding.]

[§ 96. Definition of "custodian." The word "custodian" as used in this article shall include any person, organization or society having the custody of a child.]

ARTICLE [8] *11.*

BAKERIES AND [CONFECTIONERIES] *MANUFACTURE OF FOOD PRODUCTS.*

[Section 110. Enforcement of article.
111. Definitions.
112. General requirements.
113. Maintenance.
113-a. Prohibited employment of diseased bakers.
114. Inspection of bakeries.
115. Sanitary certificates.
116. Prohibition of future cellar bakeries.
117. Sanitary code for bakeries and confectioneries.]

Section 235. Definitions.
236. Construction.
237. Maintenance and operation.
238. Prohibited employment of diseased bakers.
239. Respective duties of owners and occupiers.
240. Manufacture of other food products.
241. Sanitary certificates.
242. Cellar bakeries.
243. Enforcement of article.

§ [111]*235.* Definitions. *The term "bakery" when used in this chapter means* [all] *any* building[s], room[s] or place[s] used or occupied for the purpose of making, preparing or baking bread, biscuits, pastry, cakes, doughnuts, crullers, noodles, macaroni or spaghetti, to be sold or consumed on or off the premises, except [kitchens in] hotels, restaurants, boarding houses or private residences wherein [such] *all such* products [are prepared to be used and] are used exclusively on the premises; [shall for the purpose of this article be deemed bakeries. The commissioner of labor shall have the same powers] *and* with respect to the *provisions of this chapter relating to* machinery, safety devices and sanitary conditions *includes* [in] hotel bakeries [that he has in respect thereto in bakeries as defined by this chapter. In cities of the first class the health department's jurisdiction over hotel bakeries shall not extend to the machinery safety devices and hours of labor of employees therein].

The term "cellar" when used in this article [shall] means a room or a part of a building which is more than one-half its height below the level of the curb or ground *outside of or* adjoining the [building (excluding areaways)] *same.*

The term "owner" [as] *when* used in this article [shall be construed to] means the owner [or owners] of the freehold of the premises, or the lessee [or joint lessees] of the whole thereof, or [his, her or] the[ir] agent in charge of the property.

The term "occupier" *when used in this article* [shall be construed to] means the person[, firm or corporation] in actual possession of the premises, who either himself makes, prepares or bakes any of the articles mentioned in this section, or [hires or] employs others to do it for him.

Bakeries are factories within the meaning of this chapter, and subject to all the provisions of article [six] *ten* thereof.

§ [112]*236.* [General requirements.] *Construction.* [All bakeries.] *1. Every bakery* shall be [sufficiently] provided with proper and sufficient drain[age]*s,* [and with suitable] sinks [supplied with], clean running water[, for the purpose of washing and keeping clean the utensils and apparatus used therein], *and water-closets; and the water-closets shall be apart from and not open directly into the bakeroom or rooms where the raw material or manufactured product thereof is stored or sold.* [All bakeries]

2. Every bakery shall be provided with [proper and] adequate windows. [and if required by the rules and regulations of the industrial board with v] *V*entilating hoods and pipes over ovens and ashpits or [with] other mechanical means [to so ventilate same as] *of ventilation shall also be provided if necessary,* to render harmless to the persons working therein any steam, gases, vapors, dust, excessive heat or [any] impurities that may be generated or released by or in the process of making, preparing or baking [in said bakeries].

3. Every *part of a* bakery shall be at least eight feet in height measured from the surface of the finished floor to the under side of the ceiling [and shall have a flooring of even, smooth cement, or of tiles laid in cement, or a wooden floor, so laid and constructed as to be free from cracks, holes and interstices], except that any cellar or basement *of* less [than eight feet in] height which was used for a bakery on the second day of May, eighteen

hundred and ninety-five, need not be altered to conform to this provision [with respect to height;].

4. The flooring shall be of smooth, even cement, tiles laid in cement, or wood, and shall be free from cracks, holes and interstices, and the side walls and ceilings shall be [either plastered, ceiled or wainscoted.] *properly constructed and maintained.* [Every bakery shall be provided with a sufficient number of water-closets, and such water-closets shall be separate and apart from and unconnected with the bakeroom or rooms where food products are stored or sold.]

§ [113]*237.* Maintenance *and operation. 1.* All floors, walls, stairs, shelves, furniture, utensils, yards, areaways[,] *and* plumbing [drains and sewers], in or in connection with bakeries, or in bakery water-closets and wash-rooms, or rooms where raw material[s are stored,] or [in rooms where] the manufactured product is stored *or sold*, shall [at all times] be kept in good repair [and maintained], in a clean and sanitary condition, *and* free from all [kinds of] vermin. *All furniture, troughs and utensils shall be so constructed and arranged as not to prevent cleaning them or any part of the bakery.* All interior woodwork, walls and ceilings shall be *kept properly* painted or limewashed *except when properly tiled or covered with slate or marble with a finished surface.* [once every three months, where so required by the commissioner of labor. Proper s]

*2. S*anitary receptacles shall be provided and used for [storing] coal, ashes, refuse and garbage[.], [Receptacles for refuse and garbage shall have their] *and the* contents *of the receptacles for refuse and garbage shall be* removed from bakeries daily and *such receptacles* shall be maintained in a clean and sanitary condition at all times[; the use of tobacco in any form in a bakery or room where raw material or manufactured product of such bakery is stored is prohibited. No person shall sleep, or be permitted, allowed or suffered to sleep in a bakery, or in any room where raw material or the manufactured product of such bakery is stored or sold, and no domestic animals or birds, except cats, shall be allowed to remain in any such room]. Mechanical means of ventilation, when provided, shall be effectively used and operated. Windows, doors and other openings shall be provided with proper screens. [All employees, while engaged in the manufacture and handling

of bread shall wear slippers or shoes and suits of washable material which shall be used for that purpose only and such garments shall be kept clean at all times.] Lockers shall be provided for the street clothes of the employees. [The furniture, troughs and utensils shall be so arranged and constructed as not to prevent their cleaning or the cleaning of every part of the bakery.]

3. No person shall use or be permitted to use tobacco in any form in a bakery or room where the raw material or manufactured product of such bakery is stored or sold.

4. No person shall sleep or be permitted to sleep and no domestic animals, except cats, and no birds shall be allowed to remain in a bakery or room where the raw material or manufactured product of such bakery is stored or sold.

5. Every person, while engaged in the manufacture and handling of bread, shall wear a clean suit, which shall be made of washable material and used for that work only, and clean shoes or slippers.

§ [113-a.] *238.* Prohibited employment of diseased bakers. No person who has any communicable disease shall work or be permitted to work in a bakery. Whenever required by a medical inspector of the department [of labor], any person [employed] *working* in a bakery shall submit to a physical examination by such inspector. No person who refuses to submit to such examination shall *during the period of such refusal* work or be permitted to work in a[ny] bakery.

[§ 114. Inspection of bakeries. It shall be the duty of t] § *239. Respective duties of owners and occupiers.* The owner [of a building wherein a bakery is located to] *shall* comply with [all the provisions of] section [one hundred and twelve of this article,] *two hundred and thirty-six* and [of] the occupier [to] *shall* comply with [all the provisions of] sections [one hundred and thirteen of this article,] *two hundred and thirty-seven and two hundred and thirty-eight* unless by the terms of a valid lease [the responsibility for compliance therewith has been undertaken by] the other party [to the lease] *thereto has undertaken to comply with any provision of such sections,* and a duplicate original lease, containing such obligation, [shall] ha[ve]*s* been previously filed in the office of the commissioner [of labor], in which event the party assuming the responsibility shall be responsible for [such] com-

pliance. [The commissioner of labor may, in his discretion, apply any or all of the provisions of this article to a factory located in a cellar wherein any food product is manufactured, provided that basements or cellars used as confectionery or ice-cream manufacturing shops shall not be required to conform to the requirement as to height of rooms. Such establishments shall be not less than seven feet in height, except that any cellar or basement so used before October first, nineteen hundred and six, which is more than six feet in height need not be altered to conform to this provision.

If on inspection the commissioner of labor find a bakery or any part thereof to be so unclean, ill-drained or ill-ventilated as to be unsanitary, he may, after not less than forty-eight hours' notice in writing, to be served by affixing the notice on the inside of the main entrance door of said bakery, order the person found in charge thereof immediately to cease operating it until it shall be properly cleaned, drained or ventilated. If such bakery be thereupon continued in operation or be thereafter operated before it be properly cleaned, drained or ventilated, the commissioner of labor may, after first making and filing in the public records of his office a written order stating the reasons therefor, at once and without further notice fasten up and seal the oven or other cooking apparatus of said bakery, and affix to all materials, receptacles, tools and instruments found therein, labels or conspicuous signs bearing the word "unclean." No one but the commissioner of labor shall remove any such seal, label or sign, and he may refuse to remove it until such bakery be properly cleaned, drained or ventilated.]

§ *240. Manufacture of other food products. 1. Every factory wherein any food product is manufactured shall be kept in a sanitary condition and properly lighted and ventilated, and the food product prepared therein shall be protected from contamination.*

2. Every basement or cellar used as a confectionery or ice-cream manufacturing shop shall be not less than seven feet in height measured from the surface of the finished floor to the underside of the ceiling, except that any cellar or basement which is more than six feet in height and was so used before the first day of October, nineteen hundred and six, need not be altered to conform to this provision.

§ [115]*241.* Sanitary certificates. 1. No person[, firm or corporation] shall establish[, maintain] or operate a bakery without [obtaining] a sanitary certificate [from the department of labor]. *The certificate shall be kept posted in a conspicuous place in the bakery.*

2. Application for [such] *a* certificate shall be made to the commissioner [of labor] by the occupier [of the bakery] or [by] the person[, firm or corporation] desiring to establish or [conduct] *operate* [such] *the* bakery. The application [for a sanitary certificate] shall be made [in such form and shall contain such information as the commissioner of labor may require. Blank applications for such certificate shall be] *upon blanks* prepared and furnished by the commissioner [of labor].

[2. Upon the receipt of such application for a sanitary certificate,]

3. Before issuing a certificate the commissioner [of labor] shall [cause an] inspect[ion to be made of] the building, room or place described in the application. If the bakery conforms to the provisions of articles [six and eight] *ten and eleven* [of this chapter] and the rules [and regulations] of the industrial board, or in any city of the first class if the bakery conforms to the provisions of article [eight] *eleven* [of this chapter], and [to] the sanitary code and the rules [and regulations] of the department of health of any such city, the commissioner [of labor] shall issue a sanitary certificate for such bakery[. Such certificate shall be] for a period of one year, and shall [be] renew[ed] *it* annually *unless* [by the commissioner of labor if] upon a reinspection of the bakery it is found *not* to comply with the aforesaid provisions and [regulations] *rules.* [Every certificate granted under the provisions of this chapter shall be posted in a conspicuous place in the bakery for which such certificate is issued.]

[3. Such] *4. The* certificate may be revoked *or suspended* [at any time] by the commissioner [of labor] if the health of the community or of the employees of the bakery requires such action, or if an order of the [department issued under the provisions of this chapter be] *commissioner is* not complied with within fifteen days after the service thereof upon the person[, firm or corporation] charged with the duty of compl[ying with such order]*iance.* The time for [such] compliance may be ex-

tended by the commissioner [of labor] for good cause shown, but a statement of the reasons for such extension shall be filed in [the office of the department of labor as part of] the public records [thereof] *of his office.* [Nothing contained in this subdivision shall be construed to limit in any way the power of the commissioner of labor to seal up an unsanitary bakery as provided in section one hundred and fourteen of this chapter.]

[4] *5.* If an application for a [sanitary] certificate [be] *is* denied or if [such] *a* certificate [be] *is* revoked *or suspended* by the commissioner [of labor], he shall file in [the office of the department of labor as part of] the public records *of his office* [thereof], a statement [in writing setting forth] in detail *of* the reasons for [such denial or revocation.] *his action.*

[5. Applications for sanitary certificates for existing bakeries shall be made within four months after this act takes effect, and no such bakery shall be conducted or operated without a sanitary certificate from the department of labor after the first day of January, nineteen hundred and fourteen. In the case of bakeries hereafter established, the application for a sanitary certificate shall be made within ten days after such bakery shall commence business, and no such bakery shall be conducted or operated without a sanitary certificate for more than thirty days after commencing business.]

6. If a bakery has no [sanitary] certificate as herein required or if such certificate has been revoked *or suspended,* the commissioner [of labor shall] *may,* after first making and filing in the public records of his office *an* [written] order stating the reasons therefor, [at once and] without further notice fasten up and seal the oven or other cooking apparatus of said bakery, *and may affix to all materials and utensils in the bakery conspicuous labels or signs bearing the word "unclean."* No one but the commissioner of labor or his duly authorized representative shall remove *or deface* any such seal, *label or sign,* and he shall not remove [same] *it* until a [sanitary] certificate [has been] *is* issued *or reissued* to [such] *the* bakery.

§ [116]*242.* [Prohibition of future c]*C*ellar bakeries. *1.* No bakery shall hereafter be located in a cellar, [and a sanitary certificate shall not be issued for any bakery so located, unless such bakery] *which does not conform to all the provisions of this section, unless a certificate of exemption has been issued to the*

owner under the provisions of the law in effect on or before the twenty-eighth day of February, nineteen hundred and fourteen.

2. The cellar shall be at least ten feet in height measured from the surface of the finished floor to the under side of the ceiling [and i]. *If* the bakery is located [or intended to be located] entirely in the front part of the building, the ceiling of the bakery shall be *not less than* [in every part at least] four feet six inches above the curb level of the street in front of the building, or if [such bakery is located or intended to be] located entirely in the rear part of the building or [to] extend*ing* from the front to the rear, the ceiling [of the bakery] shall be not less than one foot above the curb level of the street in front of the building and the bakery shall open upon a yard or courts which shall extend at least six inches below the floor level of the bakery.

3. [, nor unless proper and a] *A*dequate provision shall be made for the lighting and ventilation of such bakery and for the proper construction of the floor, walls and ceiling thereof, and *the bakery shall be constructed in accord with* plans and specifications [for the construction and establishment of such bakery], *prepared* in such form [and covering such matters] as the commissioner [of labor] may require [shall], *which* have been [first] submitted to and approved by the commissioner [of labor]. [This prohibition shall not apply to a cellar used and operated as a bakery at any time within one year prior to the date of the passage of this act, provided that satisfactory proof of its use as a bakery as herein specified be furnished to the commissioner of labor in such form as he may require within six months after this act shall take effect, nor shall it apply to the cellar of a building in the course of construction on the ninth day of May, nineteen hundred and thirteen, nor to the cellar of a building the construction of which was commenced after the first day of January, nineteen hundred and thirteen, and completed on or before the ninth day of May, nineteen hundred and thirteen, provided that such cellar be used and operated as a bakery at any time prior to the first day of January, nineteen hundred and fourteen, and that satisfactory proof of the time of the construction of such building and of the use of the cellar as a bakery as herein specified be furnished to the commissioner of labor, in such form as he may require, on or before the twenty-eighth day of February, nineteen hundred and fourteen. Upon receipt of such proof the commissioner of labor

shall issue to the owner of the building in which such cellar is located, a certificate of exemption.]

4. This section shall not prevent the [local] health [authorities] *departments* in [any] cit[y]*ies* of the first class from exercising any power of regulation now *or hereafter* vested in them.

[§ 117. Sanitary code for bakeries and confectioneries. All factories wherein any food product is manufactured shall be kept in a thoroughly sanitary condition and shall be properly lighted and ventilated, and all necessary methods shall be employed to protect the food product prepared therein from contamination. The industrial board may adopt rules and regulations for carrying into effect the provisions of this article. Such rules and regulations shall be known as the sanitary code for bakeries and confectioneries and shall not apply to cities of the first class.]

§ [110]*243.* Enforcement of article. [In every city of the first class the health department of such city shall have exclusive jurisdiction to enforce the provisions of this article. In the application of any provision of this article to any city of the first class, the words "commissioner of labor" or "department of labor" shall be understood to mean the health department of such city.] *1 The commissioner shall, except in cities of the first class, enforce the provisions of this article.*

2. In cities of the first class, the health departments thereof shall enforce the provisions of this article, and for that purpose shall possess all powers conferred by this chapter upon the commissioner, the industrial board, or any officer of the department of labor.

3. The rules of the industrial board made for the purpose of carrying into effect the provisions of this article shall not apply in cities of the first class.

ARTICLE 12.

TENEMENT-MADE ARTICLES.

Section 250. Definitions.
251. Article not to apply to certain shops in tenements.
252. Tenement house license.
253. Manufacturing of certain articles in tenements prohibited.

254. Work in cellars prohibited.
255. Prohibition of manufacturing by persons other than members of the family.
256. Cleanliness and ventilation.
257. Articles not to be manufactured in tenements in which there is disease.
258. Articles unlawfully manufactured not to be sold.
259. Articles unlawfully manufactured to be labeled.
260. Register of persons to whom work is given; identification label.
261. Manufacturing in unclean tenements prohibited.
262. Owners of tenement houses not to permit the unlawful use thereof.
263. Powers and duties of boards of health.
264. Issuance of tenement house licenses.
265. Dressmakers' permit.
266. Permit to give out goods to a tenement house.

§ 250. Definitions. The term "tenement house," when used in this article, means any house or building or portion thereof, of which is rented, leased, let or hired out, to be occupied, or is occupied in whole or in part as the home or residence of three families or more living independently of each other, and doing their cooking upon the premises, and includes apartment houses, flat houses and all other houses so occupied, and includes any building which is on the same lot with any such tenement house and is used for any purpose specified in section two hundred and fifty-two.

The terms "manufacture" and "manufactured" when used in this article include altering, repairing or finishing in whole or part.

§ 251. Article not to apply to certain shops in tenements. This article does not apply to a tenement house if the only manufacturing therein is carried on in a shop which is on the main or ground floor, has a separate entrance to the street, is unconnected with any living rooms, is entirely separated from the rest of the building by solid partitions, and is not used for sleeping or cooking.

§ 252. Tenement house license. No room or apartment of a tenement house shall be used for the purpose of manufacturing therein any articles except collars, cuffs, shirts or shirtwaists made of cotton or linen fabrics and laundered before being offered for

sale and except articles for the exclusive use of the persons living in such room or apartment, unless a license for the tenement house has been issued by the commissioner under section two hundred and sixty-four.

§ 253. Manufacturing of certain articles in tenements prohibited. No article of food, no dolls or dolls' clothing and no article of children's or infants' wearing apparel shall be manufactured for a factory, either directly or through one or more contractors or other third persons, in any apartment of a tenement house if any part of such apartment is used for living purposes.

§ 254. Work in cellars prohibited. No articles shall be manufactured in a cellar of a tenement house which is more than one-half of its height below the level of the curb or ground outside of or adjoining the same, unless a certificate of exemption has been issued under chapter four hundred and sixty-three and chapter seven hundred and ninety-seven of the laws of nineteen hundred and thirteen.

§ 255. Prohibition of manufacturing by persons other than members of the family. No person shall manufacture any articles in any room or apartment of a licensed tenement house unless he is a member of a family living in such room or apartment and himself resides therein. This section does not apply to shops of dressmakers on the ground or second floor dealing solely in the customs trade direct to the consumer, if the whole number of persons living or working therein does not exceed one to each one thousand cubic feet of air space, if no children under fourteen years of age live or work therein and if a permit for the employment of such persons has been issued under section two hundred and sixty-five.

§ 256. Cleanliness and ventilation. Every licensed tenement house and all parts thereof shall be kept in a clean and sanitary condition and every room in which articles are manufactured shall be properly lighted and ventilated and shall contain at least five hundred cubic feet of air space for every person working therein. All articles manufactured therein shall be kept clean and free from vermin and all matter of an infectious or contagious nature.

§ 257. Articles not to be manufactured in tenements in which there is disease. No articles shall be manufactured in any room or apartment of tenement house in which room or apartment there is

or has been any infectious, contagious or communicable disease until such time as the local department or board of health certifies to the commissioner that such disease has terminated, and that the room or apartment has been properly disinfected, if disinfection after such disease is required by the local ordinances, or by the rules or regulations of such department or board.

§ 258. Articles unlawfully manufactured not to be sold. No person shall sell or expose for sale any articles manufactured in a tenement house contrary to the provisions of this chapter.

§ 259. Articles unlawfully manufactured to be labeled. If the commissioner finds any articles manufactured in a tenement house contrary to the provisions of this article or of section one hundred and five of this chapter, he shall affix to such articles a label containing the words "tenement made." If the label is affixed because of the existence of any disease in such tenement house, he shall immediately notify the local board of health which shall disinfect such articles and after disinfection remove the label. If the label is affixed for the violation of any provision other than that relating to disease, the commissioner may seize and destroy such articles unless the owner thereof shall remove the cause of the violation within thirty days after notice of such seizure is given by the commissioner.

§ 260. Register of persons to whom work is given: Identification label. Every employer conducting a factory from which articles or materials are given out to be manufactured in a tenement house shall keep a register of the names and addresses of the persons to whom such articles or materials are given and shall issue with all such articles or materials a label bearing the name and place of business of such factory written or printed in English. Such label shall be exhibited on the demand of the commissioner at any time while such articles or materials remain in the tenement house.

§ 261. Manufacturing in unclean tenements prohibited. Whenever the commissioner finds that any articles are manufactured in any room or apartment of a tenement house which is habitually kept in a filthy condition, he may affix to the entrance door of such apartment a notice calling attention to such facts and prohibiting the manufacture of any articles therein. No person, except an authorized representative of the department, shall remove or deface any such notice.

§ 262. Owners of tenement houses not to permit the unlawful use thereof. The owner or agent of a tenement house shall not permit the use thereof for the purpose of manufacturing any article therein contrary to the provisions of this article. If a room or apartment of a tenement house is so unlawfully used, the commissioner shall serve a notice thereof upon the owner or agent. Unless, within fifteen days after the service of the notice, such owner or agent causes such unlawful use to be discontinued or institutes and faithfully prosecutes proceedings for dispossession of the occupant who unlawfully uses such tenement house, he shall be deemed guilty of a violation of this article as if he, himself, were engaged in such unlawful use. Such unlawful use by the occupant of a tenement house shall be a cause for dispossession of such occupant, by summary proceedings to recover possession of real property as provided in the code of civil procedure.

§ 263. Powers and duties of boards of health. The local health department or board in every city, town and village whenever there is any infectious, contagious or communicable disease in a tenement house shall cause an inspection of such tenement house to be made within forty-eight hours. If any articles are found to be manufactured, or in process thereof in an apartment in which such disease exists, such board shall issue such order as the public health may require, and shall at once report such facts to the commissioner. Such board may condemn and destroy all infected articles manufactured or in the process of manufacture under unclean or unhealthful conditions. The local health department or board or other appropriate authority charged with the duty of sanitary inspection of such houses in every city, town and village shall, when so requested by the commissioner, furnish copies of its records as to the presence of infectious, contagious or communicable disease, or of unsanitary conditions in said houses; and shall furnish such other information as may be necessary to enable the commissioner to carry out the provisions of this article.

§ 264. Issuance of tenement house licenses. 1. An application for a license to permit the use of a tenement house for manufacturing shall be made to the commissioner by the owner of the tenement house or his duly authorized agent. Such application shall be made upon blanks prepared and furnished by the commissioner and shall state the location of the house, the number of apartments in such house and the name and address of the owner.

2. Before issuing a license, the commissioner shall consult the records of the local health department or board and other appropriate local authority charged with the duty of sanitary inspection of such tenements. If such records show the presence of any infectious, contagious or communicable disease, or any unsanitary condition in such tenement house, the commissioner shall refuse to issue such license until such records show that the tenement house is free therefrom. Before issuing such license, the commissioner shall also inspect the tenement house sought to be licensed. If the commissioner finds that such tenement house conforms to all the requirements of this article and if the records of the local health department or board or other appropriate local authority show the existence of no infectious, contagious or communicable disease or unsanitary condition, he shall grant a license.

3. Such license may be revoked by the commissioner if, in his opinion, the provisions of this article or of section one hundred and five of this chapter have, since the issuance of the license, been or are being violated. Whenever a license is revoked or denied by the commissioner, the reasons therefor shall be stated in writing and filed in his office. Where a license is revoked, a new license must be obtained before such tenement house can again be used for the purposes for which a license is required.

§ 265. Dressmakers' permit. Before issuing a permit to a dressmaker as provided in section two hundred and fifty-five the commissioner shall inspect the premises for which a permit is sought and if he finds that such place conforms to all the requirements of this article, he shall issue a permit therefor. Such permit may be revoked by the commissioner if there exists any violation of the provisions of this article or of section one hundred and five of this chapter.

§ 266. Permit to give out goods to a tenement house. No person shall hire, employ or contract with any person to manufacture any articles in any room or apartment of a tenement house which is not licensed as provided in this article. No articles or materials shall be given out to be manufactured in any tenement house for a factory unless the employer conducting such factory has a permit to give out such articles or materials to such tenement house. Before issuing a permit, the commissioner shall consult the records of the local health department or board and if such records show the presence in such tenement house of any infectious, contagious

or communicable disease or if such tenement house is not licensed, he shall refuse to issue a permit. Such permit may be revoked by the commissioner if he finds any infectious, contagious or communicable disease existing in any room or apartment of a tenement house for which a permit has been issued and whenever a license for a tenement house is revoked by the commissioner he shall immediately revoke all permits that have been issued for such tenement house.

[ARTICLE XII.

EMPLOYMENT OF WOMEN AND CHILDREN IN MERCANTILE ESTABLISHMENTS.

Section 160. Application of article.
161. Hours of labor of minors.
161-a. Hours of labor of messengers.
162. Employment of children.
163. Employment certificate; how issued.
164. Contents of certificate.
165. School record, what to contain.
166. Supervision over issuance of certificates.
167. Registry of children employed.
168. Washrooms and waterclosets.
169. Lunch rooms.
170. Seats for women in mercantile establishments.
171. Employment of women and children in basements.
172. Enforcement of article.
173. Laws to be posted.]

ARTICLE 13.

MERCANTILE ESTABLISHMENTS.

TITLE I. SANITATION.

Section 300. Cleanliness of rooms.
301. Cleanliness of buildings.
302. Drinking water.
303. Washrooms.
304. Dressing rooms.
305. Lunchrooms.
306. Water closets.
307. Ventilation.
308. Employment of children and females in basements.

TITLE II. FIRE HAZARD.

Section 315. Smoking prohibited.

TITLE I. SANITATION.

§ 300. Cleanliness of rooms. Every room in a mercantile establishment and the floor, walls, ceilings, windows and every other part thereof and all fixtures therein shall at all times be kept in a clean and sanitary condition. Floors shall, at all times, be maintained in a safe condition. Suitable receptacles shall be provided and used for the storage of waste and refuse; such receptacles shall be maintained in a sanitary condition.

§ 301. Cleanliness of buildings. Every part of a building in which a mercantile establishment is located and of the premises thereof and the yards, courts, passages, areas or alleys connected with or belonging to the same, shall be kept free from any accumulation of dirt, filth, rubbish or garbage. The roof, passages, stairs, halls, basements, cellars, privies, water closets, and all other parts of such building and the premises thereof shall at all times be kept in a clean, sanitary and safe condition. The entire building and premises shall be well drained and the plumbing, cesspools and drains thereof at all times kept in proper repair and in a sanitary condition.

§ 302. Drinking water. In every mercantile establishment there shall be provided at all times for the use of employees, a sufficient supply of clean and pure drinking water. Such water shall be supplied through proper pipe connections with water mains through which is conveyed the water used for domestic purposes, or, from a spring or well or body of pure water. If such drinking water be placed in receptacles in the mercantile establishment, such receptacles shall be properly covered to prevent contamination and shall be thoroughly cleaned at frequent intervals.

§ 303. Washrooms and washing facilities. In every mercantile establishment there shall be provided and maintained for the use of employees adequate and convenient washrooms, or washing facilities. Such washing facilities shall consist of sinks or stationary basins provided with running water or with tanks holding an adequate supply of clean water and shall be separate for each sex wherever required by the rules of the industrial board. Every washroom shall be provided with adequate means of ventilation and heating and artificial illumination.

§ 304. Dressing rooms. In every mercantile establishment where more than five women are employed a sufficient number of dressing rooms conveniently located shall be provided for their use. Each dressing room shall be properly ventilated by a window or by suitable ducts leading to the outer air and shall be enclosed by partitions or walls. Each dressing room shall be provided with adequate means for artificial illumination, suitable means for hanging clothes and a suitable number of seats and shall be properly heated and ventilated. Each dressing room shall be separated from any water closet compartment by adequate partitions. Adequate floor space shall be provided in dressing rooms in proportion to the number of employees. Where more than ten women are employed such dressing room shall have a floor space of not less than sixty square feet and shall have at least one window opening to the outer air.

§ 305. Lunchrooms. No lunchroom in any mercantile establishment where females are employed shall be next to or adjoining the water closets, unless a permit therefor is granted by the commissioner. Such permit shall be granted unless proper sanitary conditions do not exist, and it may be revoked at any time if the lunchroom is kept in such a manner or is so located as to be injurious to the health of the employees.

§ 306. Water closets. 1. There shall be provided for every mercantile establishment a sufficient number of suitable and convenient water closets. All water closets shall be maintained inside the mercantile establishment except where, in the opinion of the commissioner, it is impracticable to do so.

2. There shall be separate water closet compartments or toilet rooms for females, to be used by them exclusively, and notice to that effect shall be clearly marked at the entrance of such compartments or rooms. The entrance to every water closet shall be effectively screened by a partition or vestibule. Where water closets for males and females are in adjoining compartments or toilet rooms, there shall be partitions of substantial construction between the compartments or rooms extending from the floor to the ceiling and such partitions shall be plastered or metal covered to a sufficient height. Whenever any water closet compartments open directly into the workroom exposing the interior, they shall be screened from view by a partition or a vestibule. The use of curtains for screening purposes is prohibited.

3. The use of any form of trough water closet, latrine or school sink within any mercantile establishment is prohibited except fixtures in existence on the first day of October, nineteen hundred and fourteen, having a common flushing system and approved by the industrial board in its rules. All such trough water closets, latrines or school sinks shall, before the first day of October, nineteen hundred and fifteen, be completely removed and the place where they were located properly disinfected under the direction of the department.

4. Every water closet installed before October first, nineteen hundred and fourteen, inside any mercantile establishment shall have a basin of enameled iron or earthenware, and shall be flushed from a separate water-supplied cistern or through a proper valve connected in such manner as to keep the water supply of the establishment free from contamination.

5. All woodwork enclosing water closet fixtures shall be removed from the front of the closet and the space underneath the seat shall be left open. All water closet compartments or toilet rooms constructed before October first, nineteen hundred and fourteen, shall have windows opening directly to the outer air or shall be otherwise properly ventilated to the outer air by suitable ducts and shall be provided with means for artificial illumination.

6. All water closets, urinals, water closet compartments and toilet rooms hereafter installed in a mercantile establishment, including those provided to replace existing fixtures, shall be properly constructed, installed, ventilated, lighted and maintained in accordance with such rules as may be adopted by the industrial board.

7. All water closet compartments and toilet rooms, and the floors, walls, ceilings and surface thereof, and all fixtures therein, and all water closets and urinals shall at all times be maintained in a clean and sanitary condition. The floor or other surface beneath and around the closet shall be maintained in good order and repair and all the woodwork shall be kept well painted with a light colored paint. The enclosure of each compartment and toilet room shall be kept free from obscene writing or marking. Where the water supply to water closets or urinals is liable to freeze, the water closet compartment shall be properly heated so as to prevent freezing, or the supply and flush pipes, cisterns and traps and valves shall be effectively covered with wool felt or hair felt, or other adequate covering.

§ 307. Ventilation. Every mercantile establishment shall be provided with proper and sufficient means of ventilation by natural or mechanical means or both, as may be necessary and there shall be maintained therein proper and sufficient ventilation and proper degrees of temperature and humidity at all times during working hours. The industrial board shall make rules for and fix standards of ventilation, temperature and humidity in mercantile establishments.

§ 308. Employment of children and females in basements. No child under the age of sixteen years nor any female shall be employed in the basement of a mercantile establishment unless a permit therefor is granted by the commissioner. Such permit shall be granted unless the basement is not sufficiently lighted and ventilated and is not in a sanitary condition.

TITLE II.

FIRE HAZARD.

§ 315. Smoking prohibited. No person shall smoke in any mercantile establishment in which more than ten persons are employed except in a fireproof enclosed room set aside for that purpose. A notice of such prohibition stating the penalty for violation thereof shall be posted in every entrance hall, elevator car, stair-hall and room of a mercantile establishment in English and also in such other language as the fire commissioner of the city of New York in such city, and elsewhere, the state fire marshal, shall direct. The fire commissioner of the city of New York in such city, and elsewhere, the state fire marshal shall enforce this section. Such notices shall be furnished by the officer charged with the enforcement of this section and shall not be removed without his consent.

[ARTICLE IX. MINES, TUNNELS AND QUARRIES AND THEIR INSPECTION.

Section 119. Protection of employees in mines, tunnels and quarries.
120. Duties of commissioner of labor relating to mines, tunnels and quarries; record and report.
121. Outlets of mines.
122. Ventilation and timbering of mines and tunnels.

123. Riding on loaded cars; storage of inflammable supplies.
124. Inspection of steam boilers and apparatus; steam, air and water gauges.
125. Use of explosives; blasting.
126. Report of accidents.
127. Notice of dangerous condition.
128. Traveling ways.
129. Notice of opening new mine, shaft or quarry.
130. Notice of abandonment.
131. Employment of women and children.
132. Underground workings to be equipped with head house and doors.
133. Mines and tunnels to be equipped with wash-rooms.
134. Method of exploding blasts.
134-a. Hours of labor.
134-b. Medical attendance and regulations.
134-c. Penalties.
134-d. [Air pipes in tunnels and caissons.]
134-e. [Electric lights in tunnels and caissons.]
135. Enforcement of article.
136. Admission of inspectors to mines and tunnels.]

ARTICLE XIV.

MINES, TUNNELS AND QUARRIES; EMPLOYMENT IN COMPRESSED AIR.

TITLE I. MINES, TUNNELS AND QUARRIES.

Section 330. Notice of opening new mine, tunnel or quarry.
331. Notice of discontinuance or abandonment.
332. Outlets of mines.
333. Traveling ways in mines.
334. Head house and trap-doors.
335. Timbering of mines and tunnels.
336. Ventilation of mines and tunnels.
337. Boilers for mining and tunneling; inspection and equipment.
338. Safety of apparatus.
339. Riding on loaded cars, cages or buckets.
340. Use of explosives; blasting.
341. Storage of inflammable supplies.
342. Wash-rooms.
343. Responsibility for compliance.

TITLE II. EMPLOYMENT IN COMPRESSED AIR.

350. Definition.
351. Equipment.
352. Medical officers and nurses.
353. Physical examinations.
354. Record of physical examinations.
355. Employment of certain persons prohibited.
356. Hours of labor.
357. Rate and time of decompression.

TITLE I. MINES, TUNNELS AND QUARRIES.

§ [129] *330.* Notice of opening new mine, [shaft] *tunnel* or quarry. [Whenever a] *Every* [mine or quarry] operator, *who is* [has] engaged or [is] about to engage in [the development of new industries by the sinking of] *opening* new shafts, inclines, tunnels or quarries, [he] shall report to the commissioner [of labor], giving the name of the owner [or owners,] and the location of the property before the work of excavation [shall have] *has* reached the depth of twenty-five feet.

§ [130] *331.* Notice of *discontinuance or* abandonment. [It shall be the duty of e]*Every* [mine or quarry] operator [to notify the commissioner of labor of the] *who permanently* discontinu-[ance]*es* or abandon[ment]*s* [of] any mine, *tunnel* or quarry [when and in the event that such mine or quarry shall be closed permanently or abandoned.] *shall notify the commissioner thereof immediately after such discontinuance or abandonment.*

§ [121] *332.* Outlets of mines. [If, in the opinion of the commissioner of labor it is necessary for safety of employees, the] *Every* [owner, operator or superintendent of a] mine, operating through either a vertical or inclined shaft, or a horizontal tunnel, shall [not employ any person therein unless there are in connection with the subterranean workings thereof], *if the commissioner finds it is necessary for the safety of the employees and issues an order to that effect, be provided with* not less than two openings or outlets, at least one hundred and fifty feet apart, and connected *with the subterranean workings and* with each other *and no person shall be employed in the mine until such openings or outlets have been provided.* [Such] *The* openings or outlets shall be so constructed as to provide *at all times* safe and [distinct means of ingress and egress from and to the surface, at all times, for the

use of the employees of such mine.] *separate passageways between the subterranean workings and the surface.*

§ [128] *333.* Traveling ways *in mines.* In [all] *every* mine[s] there shall be cut out of or around the sides of every hoisting shaft, or driven through the solid strata at the bottom thereof, a traveling way not less than five feet high and three feet wide to enable persons to pass the shaft in going from one side to the other without passing over or under or in the way of the cage or other hoisting apparatus.

§ [132] *334.* [Underground workings to be equipped with h]*H*ead house and *trap*doors. Every underground working where the depth exceeds forty feet shall be equipped with a proper head house and trapdoors.

§ *335. Timbering of mines and tunnels. Every mine and tunnel shall be properly timbered, and the roof and sides of each working place therein properly secured. No person shall be employed in an unsafe place in a mine or tunnel except to make it safe.*

§ [122] *336.* Ventilation [and timbering] of mines and tunnels. In [each] *every* mine [or] *and* tunnel a ventilating current shall be conducted and circulated along the face of all working places and through the roadways *therein* in sufficient [quantities] *volume* to insure the safety of employees and to remove smoke and noxious gases.

[Each owner, agent, manager or lessee of a mine or tunnel shall cause it to be properly timbered, and the roof and sides of each working place therein properly secured. No person shall be required or permitted to work in an unsafe place or under dangerous material, except to make it secure.]

§ [124] *337.* [Inspection of steam boilers and apparatus; steam, air and water gauges.] *Boilers for mining and tunneling; inspection and equipment.* [All] *Every* boiler[s,] used in generating steam for mining or tunneling purposes shall be kept in good order, and the owner, agent, manager or lessee of such mine or tunnel shall [have such boilers] *cause them to be* inspected *at least once in every six months* by a competent person[,] approved by the commissioner [of labor, once in six months], and shall file a certificate [showing the result thereof] in the mine or tunnel office and a duplicate [thereof] in the office of the commissioner

[of labor] *showing the result of each such inspection.* [All engines, brakes, cages, buckets, ropes and chains shall be kept in good order and inspected daily by the superintendent of the mine or tunnel or a person designated by him. All lifts, hoists, ropes and other mechanical devices shall be properly designed and maintained to sustain the weight intended to be placed thereon or suspended therefrom, such factors of safety being used as are generally accepted as sufficient by competent engineers, and all cars and lifts shall be supplied with safety brakes. All hoisting ropes shall at all times be of a breaking strength of not less than five times the gross load suspended from them, including weight of rope itself. Each] *Every* boiler or battery of boilers *so* used [in mining or tunneling for generating steam,] shall be provided with [a] proper safety valves *and with proper* steam and water gauges[, to show, respectively, the pressure of steam and the height of water in the boilers]. Every boiler house in which a boiler or [nest] *battery* of boilers is placed, shall be provided with a steam gauge properly connected with the boilers[, and another]. *A* steam gauge shall be attached to the steam pipe in the engine house, and so placed that the engineer or fireman can readily ascertain the *steam* pressure [carried. Every tunnel in which men are working under artificial air pressure shall be furnished with properly equipped and placed gauges capable at all times of showing the weight or pressure of air in said tunnel, and said gauge shall at all times during working hours be accessible to all persons working on said tunnel].

§ *338. Safety of apparatus. All engines, brakes, cages, buckets, ropes and chains shall be kept in good order and inspected daily by the superintendent of the mine or tunnel or a competent person designated by him. All lifts, hoists, ropes and other mechanical devices shall be properly designed and maintained to sustain the weight intended to be placed thereon or suspended therefrom, such factors of safety being used as are generally accepted as sufficient by competent engineers. All hoisting ropes shall at all times be of a breaking strength of not less than five times the gross load suspended from them, including the weight of the rope itself. All cars and lifts shall be equipped with safety brakes.*

§ [123]*339.* Riding on loaded cars[;], *cages or buckets.* [storage of inflammable supplies.] No person shall ride or be

permitted to ride on any loaded car, cage or bucket into or out of a mine or *into or out of a* tunnel in process of construction. [No powder or oils of any description shall be stored in a mine, tunnel or quarry, or in or around shafts, engine or boiler-houses, and all supplies of an inflammable and destructive nature shall be stored at a safe distance from the mine or tunnel openings.]

§ [125] *340.* Use of explosives; blasting. When high explosives other than gunpowder are used in a mine, tunnel or quarry, the manner of storing, [keeping,] moving, charging and firing, or in any manner using such explosives, shall be in accordance with rules prescribed by the [commissioner of labor] *industrial board.* In charging holes for blasting, in slate, rock or ore in any mine, tunnel or quarry, no iron or steel pointed needle or tamping bar shall be used, unless the end thereof is tipped with at least six inches of copper or other soft material. No person shall be employed to blast unless the [mine or tunnel] superintendent or person having charge of such mine, [or] tunnel *or quarry* is satisfied that [he] *such person* is qualified, by experience, to perform the work with ordinary safety. [When] *Before such* a blast is [about to be] fired [in a mine or tunnel,] *the person in charge of the work shall give* timely notice [thereof shall be given by the person in charge of the work,] to all persons who may be in danger therefrom. *No blast shall be exploded by an electric current of more than two hundred and fifty volts.*

§ *341. Storage of inflammable supplies. No powder or oils of any description shall be stored in a mine, tunnel or quarry or in or around shafts, engine or boiler houses, and all supplies of an inflammable and destructive nature shall be stored at a safe distance from the mine or tunnel openings.*

§ [133]*342.* [Mines and tunnels to be equipped with w]*Wash*-rooms. Every mine, tunnel or quarry [employing over twenty-five men shall maintain a suitably equipped and heated washroom, which shall be at all times accessible to the men employed.] *where more than twenty-five persons are employed shall be provided with a washroom, properly heated and equipped, and accessible at all times to the employees.*

§ *343. Responsibility for compliance. Except as in this title otherwise provided the owner, agent, lessee, manager, operator and superintendent shall be responsible for the observance of the provisions of this title.*

TITLE II.

EMPLOYMENT IN COMPRESSED AIR.

§ 350. Definition. The term "pressure," when used in this title, means gauge pressure in pounds per square inch.

[§ 134-d. All work in the prosecution of which tunnels, caissons or other apparatus or means within which compressed air is employed shall have at least two air pipes or lines connected at all times and in perfect working condition.

§ 134-e. Wherever electricity is used as lighting apparatus the light supplied for the shaft leading to the caisson or tunnel or other apparatus wherein the men are actually at work shall be supplied from a different wire from the lights which are located at the point wherein the men are actually working under air.]

§ 351. Equipment. Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall

1. Provide and attach the necessary instruments to all caissons and air locks for showing the air pressure to which persons so employed therein are subjected, and employ a competent person to take charge of such instruments. Such person shall not be permitted to work more than eight hours in any twenty-four hours;

2. Provide and install properly equipped gauges in each tunnel for showing the air pressure to which the persons so employed therein are subjected. Such gauges shall be accessible, at all times during working hours, to all employees in the tunnel;

3. Connect at least two air pipes or lines to each compartment, caisson, tunnel or place where persons are so employed, and keep them so connected and in perfect working condition;

4. Provide a suitable ladder for the entire length of every shaft used in connection with such work;

5. Keep every passageway used in connection with such work clear and properly lighted;

6. Wherever electricity is used for lighting, provide a wire for lighting the shafts which wire shall be separate from the one used for lighting the place where the employees are at work in compressed air;

7. Wherever electricity is not used for lighting, provide suitable safeguards for all lights used in connection with such work;

8. Erect a shield in the working chamber of every caisson, in which persons are employed in compressed air, where the working chamber is less than ten feet in length and when the caisson is suspended or hung while work is in progress so that the bottom of the excavation is more than nine feet below the deck of the working chamber;

9. Provide, for the use of all persons so employed, dressing rooms which shall be kept open and accessible during working hours and during the intervals between working periods. The dressing rooms shall be kept properly heated, lighted and ventilated, shall contain lockers and benches, baths with hot and cold water, and sanitary water-closets.

10. Wherever the maximum air pressure in such work exceeds seventeen pounds, provide and maintain a properly equipped medical lock. Such lock shall be kept properly heated, lighted and ventilated and shall contain proper medical and surgical equipment.

[§ 134-b. Medical attendance and regulations. Any person or corporation carrying on any tunnel, caisson or other work in the prosecution of which men are employed or permitted to work in compressed air, shall, while such men are so employed, also employ and keep in employment, one or more duly qualified persons to act as medical officer or officers who shall be in attendance at all necessary times while such work is in progress and whose duty it shall be to administer and strictly enforce the following:

(a) No person shall be permitted to work in compressed air until after he shall have been examined by such medical officer and reported by such officer to the person in charge thereof as found to be qualified, physically, to engage in such work.

(b) In the event of absence from work, by an employee for ten or more successive days for any cause, he shall not resume work until he shall have been re-examined by the medical officer and his physical condition reported as hitherto provided to be such as to permit him to work in compressed air.

(c) No person known to be addicted to the excessive use of intoxicants shall be permitted to work in compressed air.

(d) No person not having previously worked in compressed air shall be permitted during the first twenty-four hours of his employment to work for longer than one-half of a day period as provided in section one hundred and thirty-four-a and after so working shall be re-examined and not permitted to work in a place where the pressure is in excess of fifteen pounds unless his physical condition be reported by the medical officer as heretofore provided to be such as to qualify him for such work.

(e) After a person has been employed continuously in compressed air for a period of three months he shall be re-examined by the medical officer and he shall not be allowed, permitted or compelled to work until such examination has been made and he has been reported as heretofore provided as physically qualified to engage in compressed air work.

(f) The said medical officer shall at all times keep a complete and full record of examinations made by him, which record shall contain dates on which examinations were made and a clear and full description of the person examined, his age and physical condition at the time examined, also the statement as to the time such person has been engaged in like employment.

(g) Properly heated, lighted and ventilated dressing rooms shall be provided for all employees in compressed air which shall contain lockers and benches and shall be open and accessible to the men during the intermission between shifts. Such rooms shall be provided with baths, with hot and cold water service and a proper and sanitary toilet.

(h) A medical lock shall be established and maintained in connection with all work in compressed air when the maximum pressure exceeds seventeen pounds as herein provided. Such lock shall be kept properly heated, lighted and ventilated and shall contain proper medical and surgical equipment. Such lock shall be in charge of a certified trained nurse selected by the medical officer, who shall be qualified to render temporary relief.

(i) Whenever in the prosecution of caisson work in which compressed air is employed the working chamber is less than ten feet in length and when such caissons are at any time suspended or hung while work is in progress so that the bottom of the excavation is more than nine feet below the deck of the working chamber, a shield shall be erected in the working chamber for the protection of the workmen.

(j) Whenever in the prosecution of work in which compressed air is employed a shaft is used, all such shafts shall be provided with a safe, proper and suitable ladder for its entire length.

(k) Wherever in the prosecution of work in tunnels, caissons or other apparatus or means, in which compressed air is employed or used, lights other than electric lights are used, the said lights shall at all times be guarded.

(l) All passage ways in work, wherein compressed air is employed or used, shall be kept clear and properly lighted.]

§ 352. Medical officers and nurses. Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall:

1. Employ one or more licensed physicians as medical officers who shall be in attendance at all necessary times at the place where such work is in progress.

2. Wherever the maximum air pressure in such work exceeds seventeen pounds, employ one or more certified nurses who shall be selected by the medical officer and who shall have charge of the medical lock herein provided for.

§ 353. Physical examinations. 1. No person shall be employed in compressed air until he has been examined by the medical officer and found to be physically qualified therefor.

2. No person who has not previously worked in compressed air shall, during the first twenty-four hours of his employment, be permitted to work therein longer than one working period as provided in section three hundred and fifty-six, and he shall not be permitted to resume such work, if the air pressure exceeds fifteen pounds, until he has been re-examined by the medical officer and found to be physically qualified therefor.

3. No person, who is employed in compressed air but who has been absent therefrom for ten or more consecutive days for any cause, shall be permitted to resume such work until he has been re-examined by the medical officer and found to be physically qualified therefor.

4. No person who has been employed continuously in compressed air for three months shall be permitted to continue such work until he has been re-examined by the medical officer and found to be physically qualified therefor.

§ 354. Record of physical examinations. The medical officer shall keep a record of all physical examinations made in accordance with section three hundred and fifty-three, which record shall be kept at the place of employment and shall contain the name, age, address and full description of each person examined, the date on which each examination was made, and the physical condition, on that date, of the person examined and the total time such person has worked in compressed air including time in previous employments.

§ 355. Employment of certain persons prohibited. No person known to be addicted to the excessive use of intoxicants shall be employed in compressed air.

[§ 134-a. Hours of labor. All work in the prosecution of which tunnels, caissons or other apparatus or means in which compressed air is employed or used shall be conducted subject to the following restrictions and regulations: When the air pressure in any compartment, caisson, tunnel or place in which men are employed is greater than normal and shall not exceed twenty-one pounds to the square inch, no employee shall be permitted to work or remain therein more than eight hours in any twenty-four hours and shall only be permitted to work under such air pressure provided he shall during such period return to the open air for an interval of at least thirty consecutive minutes, which interval his employer shall provide for. When the air pressure in any compartment, caisson, tunnel or place in which men are employed is greater than normal and shall equal twenty-two pounds to the square inch and does not exceed thirty pounds to the square inch, no employee shall be permitted to work or remain more than six hours in any twenty-four hours, such six hours to be divided into two periods of three hours each with an interval of at least one hour between each such period. When the air pressure in any such compartment, caisson, tunnel or place shall exceed thirty pounds to the square inch, and shall not equal thirty-five pounds to the square inch, no employee shall be permitted to work or remain therein more than four hours, such four hours to be divided into two periods of two hours each, with an interval of at least two hours between each such period. When the air pressure in any such compartment, caisson, tunnel or place shall equal thirty-five pounds to the square inch and shall not exceed forty pounds to the square inch, no such employee shall be permitted to work or remain therein more than three hours in any

twenty-four hours, such three hours to be divided into periods of not more than one and one-half hours each, with an interval of at least three hours between each such period; when the air pressure in any such compartment, caisson, tunnel or place shall equal forty pounds to the square inch and shall not equal forty-five pounds to the square inch, no employee shall be permitted to work or remain therein more than two hours in any twenty-four hours, such two hours to be divided into periods of not more than one hour each, with an interval of at least four hours between each such period; when the air pressure in any such compartment, caisson, tunnel or place shall equal forty-five pounds to the square inch and shall not exceed fifty pounds to the square inch, no employee shall be permitted to work or remain therein more than ninety minutes in any twenty-four hours, and such ninety minutes to be divided into periods of forty-five minutes each, with an interval of not less than five hours between each such period; no employee shall be permitted to work in any compartment, caisson, tunnel or place where the pressure shall exceed fifty pounds to the square inch, except in case of emergency. No person employed in work in compressed air shall be permitted by his employer or by the person in charge of said work to pass from the place in which the work is being done to atmosphere of normal pressure, without passing through an intermediate lock or stage of decompression, which said decompression shall be, where the work is being done in tunnels, at the rate of three pounds every two minutes unless the pressure shall be over thirty-six pounds, in which event the decompression shall be at the rate of one pound per minute; and which said decompression shall be, where the work is being done in caissons, at the following rates:

Where pressure is not over ten pounds per square inch the time of decompression shall be one minute; when pressure is over ten pounds per square inch, but does not exceed fifteen pounds per square inch, the time of decompression shall be two minutes; when pressure is over fifteen pounds per square inch, but does not exceed twenty pounds per square inch, the time of the decompression shall be five minutes; when pressure is over twenty pounds per square inch, but does not exceed twenty-five pounds per square inch, the time of decompression shall be ten minutes; when pressure is over twenty-five pounds per square inch but does not exceed thirty pounds per square inch, the time of decompression shall be twelve minutes; when pressure is over thirty pounds

per square inch, but does not exceed thirty-six pounds per square inch, the time of decompression shall be fifteen minutes; when pressure is over thirty-six pounds per square inch, but does not exceed forty pounds per square inch, the time of decompression shall be twenty minutes; when pressure is over forty pounds per square inch, but does not exceed fifty pounds per square inch, the time of decompression shall be twenty-five minutes.

All necessary instruments shall be attached to all caissons and air locks showing the actual air pressure to which men employed therein are subjected and which instruments shall be accessible to and in charge of a competent person who shall not be employed more than eight hours in any twenty-four hours.]

§ *356. Hours of labor. When the air pressure in any tunnel, caisson, compartment or place in which persons are employed exceeds normal but does not exceed fifty pounds, the maximum number of hours which, in every twenty-four hours, a person may be employed or permitted to remain therein and the minimum time interval which shall elapse between the working periods shall be as hereafter stated. In every case the maximum number of hours shall be divided into two working periods of equal length.*

When the air pressure:	Number of hours in 24	Interval between working periods
Exceeds normal but does not exceed 21 pounds	*8*	*30 mins.*
Exceeds 21 but does not exceed 30 pounds....	*6*	*1 hr.*
Exceeds 30 but does not exceed 35 pounds....	*4*	*2 hrs.*
Exceeds 35 but does not exceed 40 pounds....	*3*	*3 hrs.*
Exceeds 40 but does not exceed 45 pounds....	*2*	*4 hrs.*
Exceeds 45 but does not exceed 50 pounds....	*1½*	*5 hrs.*

Except in cases of emergency, no person shall be employed or permitted to remain in any tunnel, caisson, compartment or place where the air pressure exceeds fifty pounds.

§ *357. Rate and time of decompression. No person shall be permitted to pass from any tunnel, caisson, compartment or place where he has been employed in compressed air to normal pressure without passing through an intermediate lock or stage of decompression. When the employees are passing from a tunnel to normal pressure, the rate of decompression shall be three pounds every two minutes except when the air pressure in such tunnel exceeds thirty-six pounds in which case the rate of decompression*

shall be one pound every minute. When the employees are passing from a caisson, compartment, or place to normal pressure, the time of decompression shall be as follows:

When the pressure in a caisson, compartment or place:	Time of decompression
Exceeds normal but does not exceed 10 pounds....	*1 min.*
Exceeds 10 but does not exceed 15 pounds.....	*2 mins.*
Exceeds 15 but does not exceed 20 pounds.....	*5 mins.*
Exceeds 20 but does not exceed 25 pounds.....	*10 mins.*
Exceeds 25 but does not exceed 30 pounds.....	*12 mins.*
Exceeds 30 but does not exceed 36 pounds.....	*15 mins.*
Exceeds 36 but does not exceed 40 pounds.....	*20 mins.*
Exceeds 40 but does not exceed 50 pounds.....	*25 mins.*

ARTICLE XV.

VIOLATIONS AND PENALTIES.

Section 370. Civil penalties for violations.
371. Summary action to prevent violations.

§ 370. Civil penalties for violations. 1. Any person who violates or does not comply with any provision of this chapter, any provision of rules made under authority granted in this chapter, or any lawful order of the commissioner, and any person who knowingly makes or permits to be made a false statement or entry in or in relation to any affidavit, certificate, transcript, time-book, register, record, report, documentary evidence or other papers required to be made or kept under any provision of this chapter, is also for each such violation liable to a civil penalty of fifty dollars. Any person who having been served by the commissioner with an order to comply with any provision of this chapter or of rules made thereunder fails to comply with such order within the time specified therein, or, if no time be specified, within five days after such service, is also liable to a civil penalty of two hundred and fifty dollars.

2. The liability to the penalties provided by this section shall be in addition to liability to prosecution for a misdemeanor.

3. The commissioner in his name of office may bring an action for the recovery of any penalty under this section.

§ 371. Summary action to prevent violations. 1. The commissioner may require any building, structure, enclosure or place

of employment to be vacated if in his opinion it is, because of a violation of any provision of this chapter or of any rules made thereunder, so unsafe or unsanitary as to endanger life or health.

2. In case any lawful order issued by the commissioner is not complied with, or the commissioner certifies in writing that an emergency exists requiring such action, he may issue an order as provided in subdivision one of this section. Such order shall be addressed and served as provided in section thirty-seven. Whenever any order to vacate served as aforesaid shall not have been complied with, within the time designated therein, the commissioner may apply to any judge of the supreme court, who, without notice, may grant an order directing the commissioner to vacate such building or premises, or so much thereof as said commissioner may deem necessary, and prohibiting and enjoining all persons from using or occupying the same for any purpose until such measures are taken as may be required by such order.

ARTICLE XVI.

LAWS REPEALED; WHEN TO TAKE EFFECT.

Section [240]*375.* Laws repealed.
[241]*376.* When to take effect.

§ [240]*375.* Laws repealed. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed.

§ [241]*376.* When to take effect. This chapter shall take effect immediately.

SCHEDULE OF LAWS REPEALED.

Laws of	Chapter	Section
1833.....	87.....	All
1853.....	641.....	All
1867.....	856.....	All
1867.....	969.....	All
1868.....	717.....	2, part suspending operation of L. 1867, Ch. 969, § 10, last two sentences
1869.....	822.....	2, part amending L. 1867, Ch. 969
1870.....	385.....	All

1871.....	934.....	3
1874.....	614.....	All
1875.....	472.....	All
1881.....	298.....	All
1883.....	356.....	All
1885.....	314.....	All
1885.....	376.....	All
1886.....	151.....	All
1886.....	205.....	All
1886.....	409.....	All, except § 21, as added by L. 1887, Ch. 462, § 4
1886.....	410.....	All
1887.....	63.....	All
1887.....	323.....	All
1887.....	462.....	All
1887.....	529.....	All
1888.....	437.....	All
1889.....	380.....	All
1889.....	381.....	All
1889.....	385.....	All
1889.....	560.....	All
1890.....	218.....	All
1890.....	388.....	All
1890.....	394.....	All
1890.....	398.....	All
1891.....	214.....	All
1892.....	517.....	All
1892.....	667.....	All
1892.....	673.....	All
1892.....	711.....	All
1893.....	173.....	All
1893.....	219.....	All
1893.....	339.....	All
1893.....	691.....	All
1893.....	715.....	All
1908.....	520.....	All
1893.....	717.....	All
1894.....	277.....	All
1894.....	373.....	All
1894.....	622.....	All
1894.....	698.....	All
1894.....	699.....	All

1895.....	324.....	All
1895.....	413.....	All
1895.....	518.....	All
1895.....	670.....	All
1895.....	765.....	All
1895.....	791.....	All
1895.....	899.....	All
1896.....	271.....	All
1896.....	384.....	All
1896.....	672.....	All
1896.....	789.....	All
1896.....	931.....	1–4, 6, 7
1896.....	936.....	All
1896.....	982.....	All
1896.....	991.....	All
1897.....	148.....	All
1897.....	415.....	All
1899.....	191.....	All
1899.....	192.....	All
1899.....	375.....	All
1899.....	558.....	All
1899.....	567.....	All
1900.....	298.....	All
1900.....	533.....	All
1901.....	9.....	All
1901.....	306.....	All
1901.....	475.....	All
1901.....	477.....	All
1901.....	478.....	All
1902.....	88.....	All
1902.....	454.....	All
1902.....	600.....	All
1903.....	151.....	All
1903.....	184.....	All
1903.....	255.....	All
1903.....	561.....	All
1904.....	291.....	All
1904.....	523.....	All
1904.....	550.....	All
1905.....	493.....	All
1905.....	518.....	All

1905.....	519.....	All
1905.....	520.....	All
1906.....	129.....	All
1906.....	158.....	All
1906.....	178.....	All
1906.....	216.....	All
1906.....	275.....	All
1906.....	316.....	All
1906.....	366.....	All
1906.....	375.....	All
1906.....	401.....	All
1906.....	490.....	All
1906.....	506.....	All
1907.....	83.....	All
1907.....	243.....	All
1907.....	286.....	All
1907.....	291.....	All
1907.....	399.....	All
1907.....	418.....	All
1907.....	485.....	All
1907.....	490.....	All
1907.....	505.....	All
1907.....	507.....	All
1907.....	588.....	All
1907.....	627.....	All
1908.....	89.....	All
1908.....	174.....	All
1908.....	426.....	All
1908.....	442.....	All
1908.....	443.....	All

§ 2. Articles seven, thirteen, fourteen and fifteen of said chapter are hereby repealed and sections nine, twelve, eighteen, nineteen, twenty, twenty-a, twenty-one, twenty-two (entitled "duties relating to apprentices"), seventy-three, eighty-seven, ninety, one hundred and twenty-six, one hundred and thirty-four, one hundred and thirty-four-c, one hundred and thirty-five, one hundred and thirty-six, one hundred and sixty, one hundred and sixty-two, one hundred and sixty-three, one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine,

one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two and one hundred and seventy-three of said chapter and all other sections thereof not amended by or included in section one of this act, are hereby repealed.

§ 3. Chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," as amended by chapter one hundred and forty of the laws of nineteen hundred and ten, is hereby further amended by adding thereto a new article after article twenty-three, to be article twenty-three-a thereof, to read as follows:

ARTICLE 23-A.

EMPLOYMENT OF CHILDREN IN STREET TRADES.

Section 610. Prohibited employment of children in street trades.
611. Permit and badge for children engaged in street trades, how issued.
612. Contents of permit and badge.
613. Regulations concerning badge and permit.
614. Limit of hours.
615. Employment of children in carrying and distributing newspapers.
616. Enforcement of article.
617. Violation of this article, how punished.
618. Punishment of parent, guardian or other person contributing to the delinquency of children.

§ 610. Prohibited employment of children in street trades. No male child under twelve, and no girl under sixteen years of age, shall in any city of the first, second or third class sell or expose or offer for sale newspapers, magazines or periodicals in any street or public place.

§ 611. Permit and badge for children engaged in street trades, how issued. No male child under fourteen years of age shall sell or expose or offer for sale said articles unless a permit and badge as hereinafter provided shall have been issued to him by the district superintendent of the board of education of the city and school district where said child resides, or by such other officer thereof as may be officially designated by such board for that purpose, on the application of the parent, guardian or other person having the custody of the child desiring such permit and badge, or in case

said child has no parent, guardian or custodian then on the application of his next friend, being an adult. Such permit and badge shall not be issued until the officer issuing the same shall have received, examined, approved and placed on file in his office satisfactory proof that such male child is of the age of twelve years or upwards, and shall also have received, examined and placed on file the written statement of the principal or chief executive officer of the school which the child is attending, stating that such child is an attendant at such school, that he is of normal development of a child of his age and physically fit for such employment, and that said principal or chief executive officer approves the granting of a permit and badge to such child. No such permit or badge shall be valid for any purpose except during the period in which such proof and written statement shall remain on file, nor shall such permit or badge be authority beyond the period fixed therein for its duration. After having received, examined and placed on file such papers the officer shall issue to the child a permit and badge. Principals or chief executive officers of schools in which children under fourteen years are pupils shall keep complete lists of all children in their schools to whom a permit and badge as herein provided have been granted.

§ 612. Contents of permit and badge. Such permit shall state the date and place of birth of the child, the name and address of its parent, guardian, custodian or next friend, as the case may be, and describe the color of hair and eyes, the height, weight and any distinguishing facial mark of such child, and shall further state that the papers required by the preceding section have been duly examined and filed; and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding to the number of the permit, and the name of the child. Every such permit, and every such badge on its reverse side, shall be signed in the presence of the officer issuing the same by the child in whose name it is issued.

§ 613. Regulations concerning badge and permit. The badge provided for herein shall be worn conspicuously at all times by such child while so working; and all such permits and badges shall expire annually on the first day of January. The color of the badge shall be changed each year. No child to whom such permit and badge are issued shall transfer the same to any other person

nor be engaged in any city of the first, second or third class as a newsboy, or shall sell or expose or offer for sale newspapers, magazines or periodicals in any street or public place without having conspicuously upon his person such badge, and he shall exhibit the same upon demand at any time to any police, or attendance officer.

§ 614. Limit of hours. No child to whom a permit and badge are issued as provided for in the preceding section shall sell or expose or offer for sale any newspapers, magazines or periodicals after eight o'clock in the evening, or before six o'clock in the morning.

§ 615. Employment of children in carrying and distributing newspapers. Upon obtaining a permit and badge as provided by this section, a male child over twelve years of age between the close of school and six-thirty o'clock in the afternoon and a male child over fourteen years of age between five-thirty and eight o'clock in the morning may be employed to carry and distribute newspapers on a newspaper route in a city or village, if no other work or employment be required or permitted to be done by any such child during that time. The badge or permit required by this section shall be issued to such child by the district superintendent or the board of education of the city or village and school district where such child resides, or by such other officer thereof as may be officially designated by such board for that purpose, on the application of the parent, guardian or other person having the custody of the child desiring such permit and badge, or in case such child has no parent, guardian or custodian then on the application of his next friend, being an adult. Such permit and badge shall not be issued until the officer issuing the same shall have received, examined, approved and placed on file in his office satisfactory proof that such male child is of the age prescribed by this section, and shall also have received, examined and placed on file the written statement of the principal or chief executive officer of the school which the child is attending, stating that such child is an attendant at such school, that he is of the normal development of a child of his age and physically fit for such employment, and that such principal or chief executive officer approves the granting of a permit and badge to such child. No such permit or badge shall be valid for any purpose except during the period in which such proof and written statement shall remain on file, nor shall such permit or badge be authority beyond the period fixed therein for its duration.

After having received, examined and placed on file such papers the officer shall issue to the child a permit and badge. Such permit shall state the date and place of birth of the child, the name and address of its parent, guardian, custodian or next friend, as the case may be, and describe the color of hair and eyes, the height and weight and any distinguishing facial mark of such child, and shall further state that the papers required by this section have been duly examined and filed; and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding with the number of the permit, and the name of the child. Every such permit, and every such badge on its reverse side, shall be signed in the presence of the officer issuing the same by the child in whose name it is issued. The badge provided for herein shall be worn conspicuously at all times by such child while so working; and all such permits and badges shall expire annually on the first day of January. The color of the badge shall be changed each year. No child to whom such permit and badge are issued shall transfer the same to any other person nor be engaged in any city or village in distributing newspapers without having conspicuously upon his person such badge, and he shall exhibit the same upon demand at any time to any police or attendance officer.

§ 616. Enforcement of article. In cities of the first, second or third class, police officers, and the regular attendance officers appointed by the board of education, who are hereby vested with the powers of peace officers for the purpose, shall enforce the provisions of this article.

§ 617. Violation of this article, how punished. Any child who shall, in any city of the first, second or third class, sell or expose or offer for sale newspapers, magazines or periodicals in violation of the provisions of this article may be deemed and adjudged in need of the care and protection of the state, and if over seven years of age may be adjudged guilty of juvenile delinquency. A child violating the provisions of this act may be arrested and in the city of New York be brought before a children's court and in any other city be brought before a court or magistrate having jurisdiction to commit a child to an incorporated charitable reformatory or other institution and be dealt with according to law. If any such child is committed to an institution, it shall, when practicable, be com-

mitted to an institution governed by the same religious faith as the parents of such child. The permit and badge of any child who violates the provisions of this article may be revoked by the officer issuing the same, upon the recommendation of the principal or chief executive officer of the school which such child is attending, or upon the complaint of any police officer or attendance officer, and such child shall surrender the permit and badge so revoked upon the demand of any attendance officer or police officer charged with the duty of enforcing the provisions of this article. The refusal of any child to surrender such permit and badge, upon such demand, or the sale or offering for sale of newspapers, magazines or periodicals in any street or public place by any child after notice of the revocation of such permit and badge shall be deemed a violation of this article and shall subject the child to the penalties provided for in this section.

§ 618. Punishment of parent, guardian or other person for contributing to the delinquency of children. The parent, guardian or other person having the custody of a child, who omits to exercise reasonable diligence to prevent such child from violating the provisions of this act, shall be guilty of a misdemeanor and shall be dealt with as provided by section four hundred and ninety-four of the penal law. In any such proceedings against any such parent, guardian or other person having custody of such child, proof of the presence of such child in the public streets engaged in the sale or exposure or offering for sale of newspapers, magazines or periodicals in violation of the provisions of this article, shall be deemed prima facie proof of the lack of reasonable diligence in the control of such child by such parent, guardian or custodian, to prevent such offense by such child.

§ 4. Chapter twenty-eight of the laws of nineteen hundred and nine, entitled "An act relating to corporations generally, constituting chapter twenty-three of the consolidated laws," is hereby amended by adding thereto a new section, to be section two hundred and sixty-one-a thereof, and to read as follows:

§ 261-a. Payment of wages by receivers. Upon the appointment of a receiver of a corporation organized under the laws of this state and doing business therein, other than a moneyed corporation, the wages of the employees of such corporation shall be preferred to every other debt or claim. The provisions of section

two hundred and thirty of this chapter do not apply to the provisions of this section.

§ 5. Chapter forty-four of the laws of nineteen hundred and nine, entitled "An act in relation to partnership, constituting chapter thirty-nine of the consolidated laws," is hereby amended by adding thereto a new section, to be section eight thereof, and to read as follows:

§ *8. Payment of wages by receivers. Upon the appointment of a receiver of a partnership the wages of the employees of such partnership shall be preferred to every other debt or claim.*

§ 6. Section twelve hundred and seventy-five of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act to provide for the punishment of crime, constituting chapter forty of the consolidated laws," as amended by chapter seven hundred and forty-nine of the laws of nineteen hundred and eleven, chapter three hundred and eighty-three of the laws of nineteen hundred and twelve and chapter three hundred and forty-nine of the laws of nineteen hundred and thirteen, is hereby further amended to read as follows:

§ 1275. Violations of provisions of labor law; the industrial code; the rules and regulations of the industrial board of the department of labor; orders of the commissioner of labor. Any person who violates or does not comply with any provision of the labor law, any provision of the industrial code, any rule or regulation of the industrial board of the department of labor, or any lawful order of the commissioner of labor; and any person who knowingly makes *or permits to be made* a false statement *or entry* in or in relation to [any application made for an employment certificate as to any matter required by articles six and eleven of the labor law to appear in any affidavit, record, transcript or certificate therein provided for,] *any affidavit, certificate, transcript, time-book, register, record, report, documentary evidence or other papers required to be made or kept under any provision of the labor law* is guilty of a misdemeanor and upon conviction shall be punished, except as in this chapter otherwise provided, for a first offense by a fine of not less than twenty nor more than [fifty] *five hundred* dollars *or by imprisonment for not more than ten days or by both such fine and imprisonment*; for a second offense by a fine of not less than fifty nor more than [two hundred and fifty]

two thousand five hundred dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a third *or subsequent* offense by a fine of not less than two hundred and fifty [dollars] *nor more than five thousand dollars,* or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

§ 7. Sections six hundred and twenty, twelve hundred and seventy, twelve hundred and seventy-one, twelve hundred and seventy-two, twelve hundred and seventy-four, twelve hundred and seventy-six and twelve hundred and seventy-seven of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act to provide for the punishment of crime, constituting chapter forty of the consolidated laws," as amended, are hereby repealed.

§ 8. There is hereby enacted a new chapter of the consolidated laws to be chapter sixty-eight thereof, and inserted after chapter sixty-seven and to read as follows:

CHAPTER LXVIII OF THE CONSOLIDATED LAWS.

EMPLOYERS' LIABILITY.

Article 1. Short title. (§ *1.*)
2. Employers' liability. (§§ *2–15.*)
3. Laws repealed; construction; when to take effect. (§§ *16–18.*)

ARTICLE 1.

SHORT TITLE.

Section 1. Short title.

Section 1. Short title. This chapter shall be known as the "employers' liability law."

ARTICLE 2.

EMPLOYERS' LIABILITY.

Section 2. Employer's liability for injuries.
3. Notice to be served.
4. Assumption of risks; contributory negligence, when a question of fact.
5. Trial; burden of proof.
6. Defense; insurance fund.

7. *Existing rights of action continued.*
8. *Consent by employer and employee to compensation plan.*
9. *Liability to pay compensation; notice of accident.*
10. *Amount of compensation; persons entitled; physical examination.*
11. *Settlement of disputes.*
12. *Preferential claim; not assignable or subject to attachment; attorney's fee.*
13. *Cancellation of consent.*
14. *Reports of compensation plan.*
15. *Reports by employer.*

§ 2. *Employer's liability for injuries. When personal injury is caused to an employee who is himself in the exercise of due care and diligence at the time:*

1. By reason of any defect in the condition of the ways, works, machinery, or plant, connected with or used in the business of the employer which arose from or had not been discovered or remedied owing to the negligence of the employer or of any person in the service of the employer and intrusted by him with the duty of seeing that the ways, works, machinery, or plant, were in proper condition;

2. By reason of the negligence of any person in the service of the employer intrusted with any superintendence or by reason of the negligence of any person intrusted with authority to direct, control or command any employee in the performance of the duty of such employee. The employee, or in case the injury results in death, the executor or administrator of a deceased employee who has left him surviving a husband, wife or next of kin, shall have the same right of compensation and remedies against the employer as if the employee had not been an employee of nor in the service of the employer nor engaged in his work. The provisions of law relating to actions for causing death by negligence, so far as the same are consistent with this act, shall apply to an action brought by an executor or administrator of a deceased employee, suing under the provisions of this article. If an employer enters into a contract, written or verbal, with an independent contractor to do part of such employer's work, or if such contractor enters into a contract with a subcontractor to do all or any part of the work comprised in such contractor's contract with the employer, such

contract or subcontract shall not bar the liability of the employer for the injuries to the employees of such contractor or subcontractor, caused by any defect in the condition of the ways, works, machinery, or plant, if they are the property of the employer or are furnished by him, and if such defect arose, or had not been discovered or remedied, through the negligence of the employer, or of some person intrusted by him with the duty of seeing that they were in proper condition.

§ 3. Notice to be served. No action for recovery of compensation for injury or death under this article shall be maintained unless notice of the time, place and cause of the injury is given to the employer within one hundred and twenty days and the action is commenced within one year after the occurrence of the accident causing the injury or death. The notice required by this section shall be in writing and signed by the person injured or by some one in his behalf, but if from physical or mental incapacity it is impossible for the person injured to give notice within the time provided in this section, he may give the same within ten days after such incapacity is removed. In case of his death without having given such notice, his executor or administrator may give such notice within sixty days after his appointment, but no notice under the provisions of this section shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating the time, place or cause of the injury if it be shown that there was no intention to mislead and that the party entitled to notice was not in fact misled thereby. If such notice does not apprise the employer of the time, place or cause of injury, he may, within eight days after service thereof, serve upon the sender a written demand for a further notice, which demand must specify the particular in which the first notice is claimed to be defective, and a failure by the employer to make such demand as herein provided shall be a waiver of all defects that the notice may contain. After service of such demand as herein provided, the sender of such notice may at any time within eight days thereafter serve an amended notice which shall supersede such first notice and have the same effect as an original notice hereunder. The notice required by this section shall be served on the employer, or if there is more than one employer, upon one of such employers, and may be served by delivering the same to or at the residence or place of business of the person on whom it is to be served. The notice or demand may be served by post by letter

addressed to the person on whom it is to be served, at his last known place of residence or place of business, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer is a corporation, notice shall be served by delivering the same or by sending it by post addressed to the office or principal place of business of such corporation.

§ 4. Assumption of risks; contributory negligence, when a question of fact. An employee by entering upon or continuing in the service of the employer shall be presumed to have assented to the necessary risks of the occupation or employment and no others. The necessary risks of the occupation or employment shall, in all cases arising after the first day of September, nineteen hundred and ten, be considered as including those risks, and those only, inherent in the nature of the business which remain after the employer has exercised due care in providing for the safety of his employees, and has complied with the laws affecting or regulating such business or occupation for the greater safety of such employees. In an action brought to recover damages for personal injury or for death resulting therefrom received after the first day of September, nineteen hundred and ten, owing to any cause, including open and visible defects, for which the employer would be liable but for the hitherto available defense of assumption of risk by the employee, the fact that the employee continued in the service of the employer in the same place and course of employment after the discovery by such employee, or after he had been informed of the danger of personal injury therefrom shall not be, as matter of fact or as matter of law, an assumption of the risk of injury therefrom, but an employee, or his legal representative, shall not be entitled under this article to any right of compensation or remedy against the employer in any case where such employee knew of the defect or negligence which caused the injury and failed, within a reasonable time, to give, or cause to be given, information thereof to the employer, or to some person superior to himself in the service of the employer, or who had intrusted to him some superintendence, unless it shall appear on the trial that such defect or negligence was known to such employer, or superior person, prior to such injuries to the employee; or unless such defect could have been discovered by such employer by reasonable and proper care, tests or inspection.

§ 5. Trial; burden of proof. On the trial of any action brought by an employee or his personal representative to recover damages for negligence arising out of and in the course of such employment, contributory negligence of the injured employee shall be a defense to be so pleaded and proved by the defendant.

§ 6. Defense; insurance fund. An employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employee for personal injuries, for which compensation may be recovered under this article, or to any relief society or benefit fund created under the laws of this state, may prove in mitigation of damages recoverable by an employee under this article such proportion of the pecuniary benefit which has been received by such employee from such fund or society on account of such contribution of the employer, as the contribution of such employer to such fund or society bears to the whole contribution thereto.

§ 7. Existing rights of action continued. Every right of action existing on the seventeenth day of February, nineteen hundred and nine, for negligence or to recover damages for injuries resulting in death is continued and nothing in this article contained shall be construed as limiting any such right of action, nor shall the failure to give the notice provided for in section three of this article be a bar to the maintenance of a suit upon any such existing right of action.

§ 8. Consent by employer and employee to compensation plan. When and if any employer in this state and any of his employees shall consent to the compensation plan described in sections nine to fifteen, inclusive, of this article, hereinafter referred to as the plan, and shall signify their consent thereto in writing signed by each of them or their authorized agents, and acknowledged in the manner prescribed by law for taking the acknowledgment of a conveyance of real property, and such writing is filed with the county clerk of the county in which it is signed by the employee, then so long as such consent has not expired or been canceled as hereinafter provided, such employee, or in case injury to him results in death, his executor or administrator, shall have no other right of action against the employer for personal injury or death of any kind, under any statute or at common law, save under the plan so consented to, except where personal injury to the employee is caused in whole or in part by the failure of the employer to obey

a valid order made by the commissioner of labor or other public authority authorized to require the employer to safeguard his employees, or where such injury is caused by the serious or willful misconduct of the employer. In such excepted cases thus described, no right of action which the employee has at common law or by any other statute shall be affected or lost by his consent to the plan, if such employee, or in case of death his executor or administrator, commences such action before accepting any benefit under such plan or giving any notice of injury as provided in section nine hereof. The commencing of any legal action whatsoever at common law or by any statute against the employer on account of such injury, except under the plan, shall bar the employee, and in the event of his death his executors, administrators, dependents and other beneficiaries, from all benefit under the plan. This section and sections nine to fifteen, inclusive, of this article shall not apply to a railroad corporation, foreign or domestic, doing business in this state, or a receiver thereof, or to any person employed by such corporation or receiver.

§ 9. Liability to pay compensation; notice of accident. If personal injury by accident arising out of and in the course of the employment is caused to the employee, the employer shall, subject as hereinafter mentioned, be liable to pay compensation under the plan at the rates set out in section ten of this article: provided that the employer shall not be liable in respect of any injury which does not disable the employee for a period of at least two weeks from earning full wages at the work at which he was employed, and that the employer shall not be liable in respect of any injury to the employee which is caused by the serious and willful misconduct of that employee. No proceedings for recovery under the plan provided hereby shall be maintained unless notice of the accident has been given to the employer as soon as practicable after the happening thereof and before the employee has voluntarily left the employment in which he was injured and during such disability, and unless claim for compensation with respect to the accident has been made within six months from the occurrence of the accident, or in the case of death of the employee, or in the event of his physical or mental incapacity within six months after such death or removal of such physical or mental incapacity, or in event that weekly payments have been made under the plan, within six months after such payments have ceased; but no want

of or defect or inaccuracy of a notice shall be a bar to the maintenance of proceedings under the plan unless the employer proves that he is prejudiced by said want, defect or inaccuracy. Notice of the accident shall apprise the employer of the claim for compensation under this plan and shall state the name and address of the employee injured, the date and place of the accident and in simple language the cause thereof. The notice may be served personally or by sending it by mail in a registered letter addressed to the employer at his last known residence or place of business.

§ 10. Amount of compensation; persons entitled; physical examination. The amount of compensation under the plan shall be: 1. In case death results from injury:

(a) If the employee leaves a widow or next of kin at the time of his death wholly dependent on his earnings, a sum equal to twelve hundred times the daily earnings of the employee at the rate at which he was being paid by the employer at the time of the accident, but not more in any event than three thousand dollars. Any weekly payments previously made under the plan shall be deducted in ascertaining such amount payable on death.

(b) If such widow or next of kin or any of them are in part only dependent upon his earnings, such sum not exceeding that provided in subdivision a as may be determined to be reasonable and proportionate to the injury to such dependents.

(c) If he leaves no widow, or next of kin so dependent in whole or in part, the reasonable expenses of his medical attendance and burial, not exceeding one hundred dollars. Whatever sum may be determined to be payable under the plan, in case of death of the injured employee, shall be paid to his legal representative for the benefit of such dependents, or if he leaves no such dependents, for the benefit of the person to whom the expenses of medical attendance and burial are due.

2. Where total or partial incapacity for work at any gainful employment results to the employee from the injury, a weekly payment commencing at the end of the second week after the injury and continuing during incapacity, subject as herein provided, not exceeding fifty per centum of his average weekly earnings when at work on full time during the preceding year during which he shall have been in the employment of the same employer, or if he shall have been employed less than a year, then a weekly payment of not exceeding three times the average daily earnings on full time for such less period.

In fixing the amount of the weekly payment, regard shall be had to any payment, allowance or benefit which the workman may have received from the employer during the period of his incapacity, and in the case of partial incapacity the weekly payment shall in no case exceed the difference between the amount of the average weekly earnings of the workman before the accident and the average amount which he is earning or is able to earn in some suitable employment or business after the accident but shall amount to one-half of such difference. In no event shall any weekly payment payable under the plan exceed ten dollars per week or extend over more than eight years from the date of the accident. Any person entitled to receive weekly payments under the plan is required, if requested by the employer, to submit himself for examination by a duly qualified medical practitioner or surgeon provided and paid for by the employer, at a time and place reasonably convenient for the employee, within three weeks after the injury, and thereafter at intervals not oftener than one in six weeks. If the workman refuses so to submit or obstructs the same, his right to weekly payments shall be suspended until such examination shall have taken place, and no compensation shall be payable under the plan during such period. In case an injured employee shall be mentally incompetent at the time when any right or privilege accrues to him under the plan, a committee or guardian of the incompetent appointed pursuant to law may, on behalf of such incompetent, claim and exercise any such right or privilege with the same force and effect as if the employee himself had been competent and had claimed or exercised any such right or privilege; and no limitation of time herein provided for shall run so long as said incompetent employee has no committee or guardian.

§ 11. Settlement of disputes. Any question of law or fact arising in regard to the application of the plan in determining the compensation payable thereunder or otherwise shall be determined either by agreement or by arbitration as provided in the code of civil procedure, or by an action at law as herein provided. In case the employer shall be in default in any of his obligations to the employee under the plan, the injured employee or his committee or guardian, if such be appointed, or his executor or administrator, may then bring an action to recover compensation under the plan in any court having jurisdiction thereof as on a written contract. Such action shall be conducted in the same manner as an action at law for the recovery of damages for breach

of a written contract, and shall for all purposes, including the determination of jurisdiction, be deemed such an action. The judgment in such action, in favor of the plaintiff, shall be for a lump sum equal to the amount of the payments then due and prospectively due under the plan. In such action by an executor or administrator the judgment may provide the proportions of the award or the costs to be distributed to or between the several dependents. If such determination is not made it shall be determined by the surrogate's court by which such executor or administrator is appointed, in accordance with the terms of this article on petition of any party on such notice as such court may direct.

§ 12. Preferential claim; not assignable or subject to attachment; attorney's fees. Any person entitled to weekly payments under the plan against any employer shall have the same preferential claim therefor against the assets of the employer as now allowed by law for a claim by such person against such employer for unpaid wages or personal services. Weekly payments due under the plan shall not be assignable or subject to attachment, levy or execution. No claim of an attorney for any contingent interest in any recovery under the plan for services in securing such recovery shall be an enforceable lien thereon, unless the amount of the same be approved in writing by a justice of the supreme court, or in case the same is tried in any court, before the justice presiding at such trial.

§ 13. Cancellation of consent. When a consent to the plan shall have been filed in the office of the county clerk as herein provided, it shall be binding upon both parties thereto as long as the relation of employer and employee exists between the parties, and expire at the end of such employment, but it may at any time be canceled on sixty days' notice in writing from either party to the other. Such notice of cancellation shall be effective only if served personally or sent by registered letter to the last known post-office address of the party to whom it is addressed, but no notice of cancellation shall be effective as to a claim for injury occurring previous thereto.

§ 14. Reports of compensation plan. Each employer who shall sign with any employee a consent to the plan shall, within thirty days thereafter, file with the commissioner of labor a statement thereof, signed by such employer, which shall show (a) the name of the employer and his post-office address, (b) the name of the

employee and his last known post-office address, (c) the date of, and office where the original consent is filed, (d) the weekly wage of the employee at the time the consent is signed; unless such statement is duly filed, such consent of the employee shall not be a bar to any proceeding at law commenced by the employee against the employer.

§ 15. Reports by employer. Each employer of labor in this state who shall have entered into the plan with any employee shall, on or before the first day of January, nineteen hundred and eleven, and thereafter and at such times as may be required by the commissioner of labor, make a report to such commissioner of all amounts, if any, paid by him under such plan to injured employees, stating the name of such employees, and showing separately the amounts paid under agreement with the employees, and the amounts paid after proceedings at law, and the proceedings at law under the plan then pending. Such reports shall be verified by the employer or a duly authorized agent in the same manner as affidavits.

ARTICLE 3.

LAWS REPEALED; CONSTRUCTION; WHEN TO TAKE EFFECT.

Section 16. Laws repealed.
17. Construction.
18. When to take effect.

§ 16. Laws repealed. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed.

§ 17. Construction. The provisions of this chapter shall be construed as a continuation of the provisions of sections two hundred to two hundred and four of chapter thirty-six of the laws of nineteen hundred and nine, as amended by chapter three hundred and fifty-two of the laws of nineteen hundred and ten, and not as a new enactment.

§ 18. This act shall take effect immediately.

SCHEDULE OF LAWS REPEALED.

Laws of	*Chapter*	*Section*
1909	*36*	*200–204*
1910	*352*	*All*

§ 9. This act shall take effect immediately.

APPENDIX VI

REPORT OF AN INVESTIGATION OF RETAIL MERCANTILE ESTABLISHMENTS WITH REFERENCE TO THE FIRE HAZARD.

BY

FRANCES PERKINS,

Executive Secretary, Committee on Safety.

Investigators { ANNA C. PHILLIPS,
D. VERA SABSOVICH,
MARY C. HYATT.

REPORT OF AN INVESTIGATION OF RETAIL MERCANTILE ESTABLISHMENTS WITH REFERENCE TO THE FIRE HAZARD.

The Commission's study of mercantile establishments of necessity included an inquiry into the fire hazard in retail establishments. Such establishments, especially the large department stores, are practically public buildings, containing at times thousands of persons in addition to large staffs of employees.

The large department store is unique in that it combines many widely differing activities in one building; while general retailing is the business of these stores, each store has its attendant activities — dependent upon the size of the building and the character of the goods sold. In addition to the visible selling force, large numbers of persons are employed in various departments. This non-selling force in many cases nearly equals the number of sales clerks.

The mechanical force varies from the porters in the smaller stores to the staff of porters, electricians, firemen, carpenters, painters and cleaning women found in large establishments.

Those employed in accounting, bookkeeping, audit, legal, mail order, and transfer departments frequently number hundreds.

Stores having employees' and customers' restaurants, soda fountains, kitchens, laundries and bakeries require a corresponding number of waitresses, laundresses, cooks and helpers.

Factories, alteration rooms, and different workrooms employ workers in varying numbers — according to the size of the store— from several persons to three or four hundred.

Among the activities found in department stores are garment making, wine and olive bottling, glass cutting, candy making, photography, perfume manufacturing, optical goods manufacturing, silver plating, harness making, lace making, jewelry repair, toy repair, shoe repair, engraving, shampooing, hair dressing and manicuring. These miscellaneous processes each have their employees, the number depending upon the size of the store.

A number of stores have established auditorium or concert halls; other stores hold large fashion exhibitions, the sections given over to these being temporarily equipped with both a seating and a standing capacity for hundreds of persons. Thus, another problem — that of the theatre or place of public assembly — is introduced into the general fire protection problem of the department store.

Department stores present peculiarly hazardous conditions. The enormous open floor areas, the exposure of large quantities of inflammable stock, and the obvious impossibility of maintaining discipline among thousands of customers constitute an enormous life hazard in case of fire or panic.

Recognizing the unique dangers in places of public assemblage, such as theatres, churches, steamships, concert halls, the occupancy is definitely limited by law. In department stores, where every device is employed to attract visitors, the number of persons admitted is absolutely unrestricted. The capacity and type of exits are left to the individual owner and the regulations of the local building authorities, such as they may be.

The New York State Department of Labor reports have repeatedly directed attention to the existing conditions in the mercantile establishments of the State. Noting the serious conditions found in mercantile establishments, the report for 1910 states:

> "Few of the buildings are fireproof and it is questionable if any of them are properly equipped with exits and fire-escapes from all parts of the buildings. It should be borne in mind that even in the most modern building the fixtures and the merchandise exposed for sale are of the most inflammable nature. When you consider the precautions taken as to exits and escapes in theatres one must marvel that practically no attention has been given to mercantile establishments, many of which have as many or more employees than the average theatre will seat, to say nothing of the thousands of patrons who, with the employees, are distributed all over the different parts of the building or buildings of such establishment.
>
> "It is a very conservative estimate to say that during the greater part of the day there are two patrons in these stores

to each employee. This would mean that many of the large stores have more people within their buildings at one time than could be seated in Madison Square Garden. * * * There are many employees and patrons in the basements of these stores, and in some of them it would be next to impossible to get them out in the event of fire.

"In many of the large stores the main stairways adjoin the elevator shaft, and in some instances wind around elevators that are not enclosed in fireproof shafts. Such stairways would be useless in case of fire. One can see from casual observation that the aisle space in many of the stores is not sufficient for the number of persons using the same. The fact that permanent and temporary bargain counters are placed in the aisles would lead to serious trouble in case of fire or panic.

"In cities of the first class the building code seems to give ample power to change existing conditions. Some one should be responsible for changing them in order to afford proper protection to the thousands of patrons and employees of such establishments, at least by properly designating all fire exits, having all doors open outward, and providing ample means of escape from all parts of buildings."

The Department of Labor report for 1911 states:

"In the report of last year attention was called to the inadequate means of escape in case of fire in many mercantile establishments. That report was written previous to the disastrous fire in the Asch building in New York City, where 146 persons lost their lives. * * *

"In mercantile establishments the employees and patrons within the building equal, or outnumber, the employees in many of the largest of our factories. In these mercantile establishments the peril from fire or panic is ever present — with the possibility, in case of fire in such places, that the loss of life in the recent factory fires would be small, in comparison to the number that might be lost or injured by fire or panic in some mercantile establishments."

City fire department officials do not hesitate to declare their constant dread of such fires, if occurring during business hours, with their attendant crowds.

FIRES IN DEPARTMENT STORES.

Statistics.

Accurate statistics in regard to the number, cause, and disastrous results of department store fires are not obtainable. The city fire departments have only records of fires to which they are summoned. Companies having supervision over sprinkler systems have records of fires occurring in buildings they supervise. Insurance companies have, perhaps, the greatest number of records, comprised almost entirely of only those fires for which damage is claimed. But there are no records of fires in establishments carrying their own insurance, nor in those not insured. Many small fires are suppressed by private fire brigades made up of porters and other helpers, and to these fires the local departments are not called unless the flames grow beyond the control of the volunteer force.

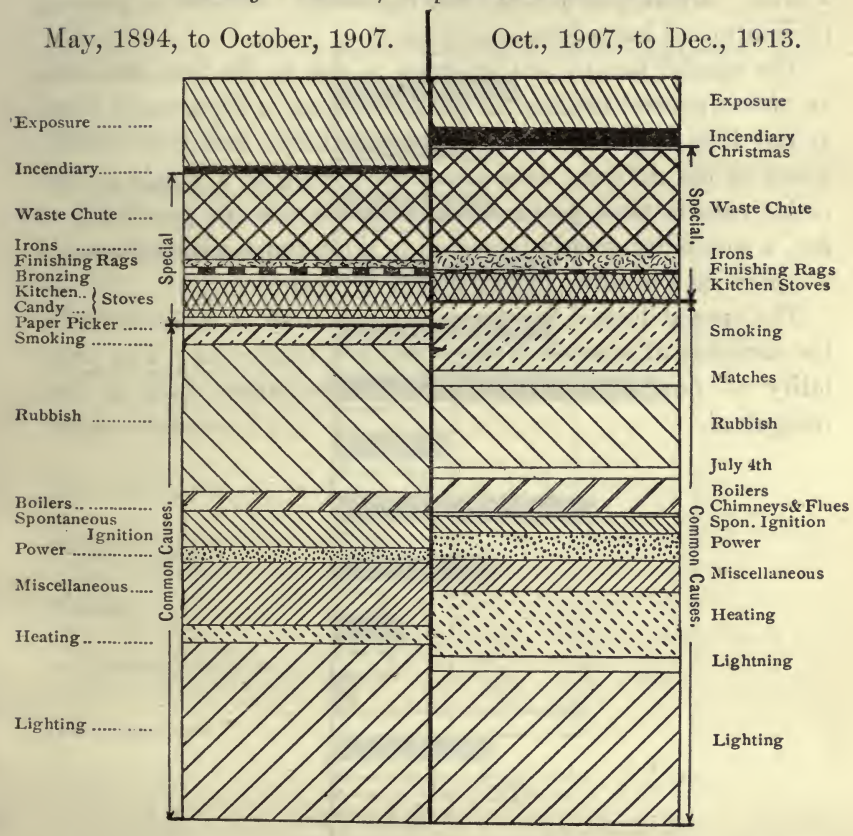
The information furnished by these sources regarding the number of fires occurring in mercantile establishments is so unrelated, and often so inaccessible, as to make impossible the compilation of any complete data on the subject.

Causes and Places of Origin of Fires.

There are certain well recognized sources of fires in department stores. The following charts were published by the National Fire Protection Association in a report based on the records of 307 department store fires occurring between October, 1907, and December, 1913. These comparative charts show the causes and location of department store fires as compiled from the records between May, 1894, and October, 1907, and the causes and location of such fires compiled from records between October, 1907, and December, 1913, and give a comprehensive idea of the definite hazards in such establishments.

COMPARATIVE CHART I.

Showing Causes of Department Store Fires.



From the foregoing chart it will be seen that the chief causes of fires, according to number, are:

1. Defective lighting.
2. Waste chutes.
3. Rubbish.
4. Smoking.
5. Defective heating.

While the number of fires due to rubbish and defective lighting has decreased, the number caused by defective heating and smoking has tripled. The number originating in waste chutes — a

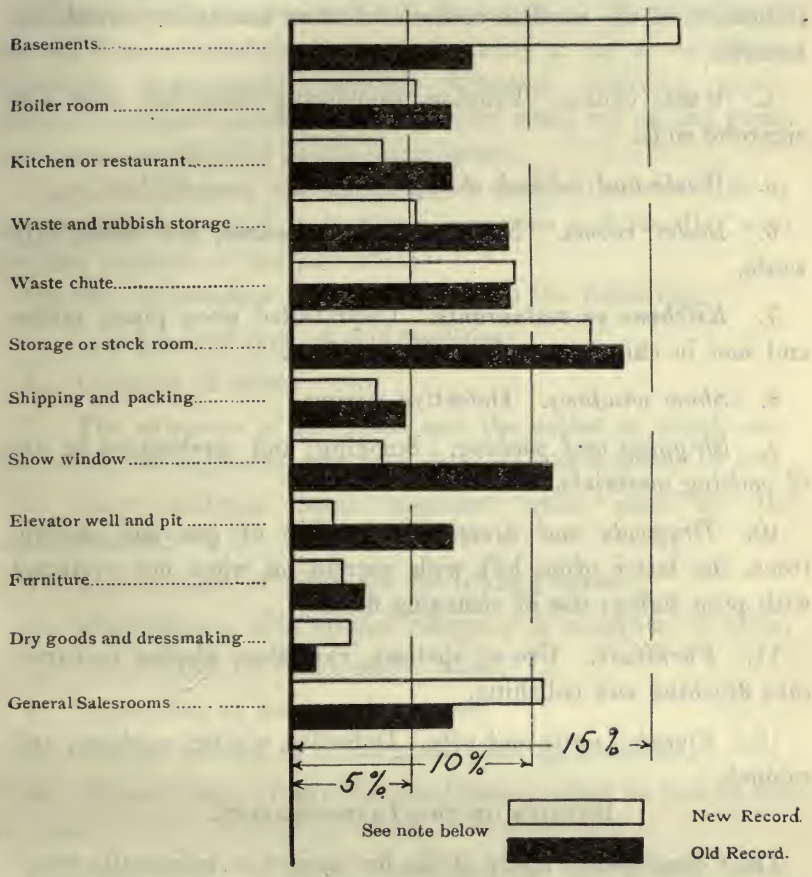
source of many fires — remains about the same. Five new classifications in the new record — namely, Christmas, matches, July Fourth, chimneys and flues, and lightning — indicate a growing recognition of hazardous conditions.

The special hazard at Christmas is due to the fact that it is an almost general practice to use decorations in department stores at this time in order to render them attractive and draw custom. Many of the different decorations used being of a highly inflammable nature, their presence can only increase the possibility of fire, a possibility greatly increased in those stores where customers are permitted to carry lighted cigars or cigarettes.

The special hazard in stores at the Fourth of July is due to the carrying of a stock of fireworks and explosives. The possibility of fires originating in such inflammable stock is well recognized.

Comparative Chart II.

Showing Rooms in which Fires Originated.



The most common places of origin of fires in department stores, by number, with their general causes, are:

1. *Basements.* Defective heating or lighting, smoking, and unsafe use of packing materials. The most striking feature of the foregoing chart is that these fires have more than doubled.

2. *Storage or stock rooms.* Defective heating and lighting, and smoking.

Note: "New Record" — October, 1907 — December, 1913.
"Old Record" — May, 1894 — October, 1907.

3. *General salesrooms.* Defective heating and lighting, smoking. The increased number of fires in general salesrooms, coincident with the increased number of fires due to smoking, is indicative of the careless attitude of store managers toward this hazard.

4. *Waste chutes.* Friction, smoldering discarded cigar and cigarette ends.

5. *Waste and rubbish storage.*

6. *Boiler rooms.* Non-fireproof enclosures, hot ashes, oily waste.

7. *Kitchens or restaurants.* Unprotected stove pipes, grease and soot in chimneys and ventilating flues.

8. *Show windows.* Defective wiring.

9. *Shipping and packing.* Smoking, and carelessness in use of packing materials.

10. *Drygoods and dressmaking.* Use of gas and electric irons, the latter often left with current on when not equipped with pilot lights; use of cleansing fluids.

11. *Furniture.* Use of shellacs, varnishes, alcohol in furniture finishing and polishing.

12. *Elevator wells and pits.* Defective wiring, smoking, and rubbish.

DETAILS OF THE INVESTIGATION.

The Commission's study of the fire hazard in mercantile establishments included many department stores and some small retail mercantile establishments. It was, of course, impossible to visit every mercantile establishment in the State of New York; but in order to make the work as comprehensive and as illustrative as possible of the conditions which actually exist, eighty establishments were selected as the basis of the study.

Forty-four stores were located in the cities of Albany, Buffalo, Rochester, Schenectady, Syracuse, Troy and Utica; while thirty-six were located in New York City, in the boroughs of Manhattan and Brooklyn.

These eighty retail mercantile establishments consisted of sixty-six department stores, three five-and-ten-cent stores, and eleven special dry goods stores.

Where a wholesale business was conducted on the premises of any of these establishments it was included in the investigation. Wholesale departments, packing, shipping, receiving, power plants, employees' lunch or locker rooms, when not on the premises, were not included in the investigation.

Each establishment was visited and a complete survey made by an investigator trained in building inspection and familiar with the best methods of fire prevention.

Specific information was procured as to the following:

1. Location and type of exit facilities;

2. Capacity of exits;

3. The existence of fire walls and the extent to which such fire walls, when present, had been developed as a means of exit;

4. Exit facilities from basement when used by the establishment;

5. Arrangement of aisles for facilitating egress;

6. Maintenance, with special reference to condition of exits;

7. Distribution of inflammable stock;

8. Disposition of inflammable waste;

9. Storage and use of inflammable packing materials;

10. Special plan, if any, for facilitating egress in case of fire or panic;

11. The extent to which manufacturing was carried on in these establishments, and the special precautions taken to insure safety to the persons thus employed.

The investigation thus falls under the two general classifications of *Construction* and *Maintenance.*

CONSTRUCTION.

In each building the main features of construction covered were:

1. Type of construction;

2. Areas;

3. Open wells and rotundas;
4. Waste and package chutes;
5. Stairways;
6. Basement exits;
7. Street exits;
8. Exterior escapes;
9. Elevators;
10. Fire walls and horizontal exits.

Buildings are usually classified as to construction as: Joisted or quick burning construction; slow burning, or mill construction; fire resistive.

In this study of department stores, buildings combining fire resistive and quick burning construction, with no separating fire walls, are classified as quick burning.

It was found that department stores were housed in buildings of widely differing construction, varying from the converted dwelling house, with its utter lack of safety, to the new building of fire resistive construction having Philadelphia smokeproof towers in addition to enclosed stairways. Although the type of building has changed, the stock is still of an inflammable nature and the possibility of fire and panic in department stores is constantly present.

Retail mercantile establishments in many instances were found housed in old buildings, sixteen being located in buildings over forty years old. While many of these are of slow-burning or mill construction, they also present conditions of great fire hazard. The large amount of wood finish and the unprotected vertical openings between floors, such as open elevator shafts, open escalators, open wood stairways and open wells, encourage the rapid spread of fire.

These same conditions are present in buildings of a later date, when iron was being used. Department store buildings are probably the only public buildings to which people are admitted in unlimited numbers, in which the old-fashioned wood and iron construction prevails.

The majority of stores of more recent construction have fireproof enclosures for all vertical openings and efforts are being made constantly to limit the extent of possible fires.

It is a remarkable fact that, while modern building codes have insisted upon fireproof construction and fire prevention methods where additions or new buildings have been built, these new structures are frequently found connected with very old types — this often completely nullifying whatever protection the newer type of building is supposed to give.

In many cases as the business of stores has increased, adjoining buildings have been annexed. In the linking up of various buildings, creating many different levels, the human element has had little or no consideration in the planning of areas, stairways, or exits.

The converting of former party walls into fire walls, which was frequently found in such combinations of buildings, has been done primarily to lower the insurance rates on buildings and stock. In some cases these fire walls actually constitute horizontal exits, but they are not so indicated, and neither employees nor the general public have been educated to depend on them as exits.

There is a fixed tradition in department store management that large areas of space are the leading features necessary to effective display. This idea is carried to such extremes that store managements believe large areas so essentially a part of selling attractiveness that they are unwilling to subdivide areas in order to provide for horizontal escapes. This, in face of the fact that several notably successful stores have subdivided their areas and consider it no detriment to their business to have the satisfaction of an additional safeguard. It is a lamentable fact that in a majority of department stores this fixed idea of large, unbroken areas persists, and the managements remain oblivious to this most modern and up-to-date practice of more progressive stores.

I. TYPE OF CONSTRUCTION.

Of the eighty retail mercantile establishments investigated sixty-two per cent. were in non-fire resistive buildings Over fifty per cent. of these stores were in two or more buildings, eight being located in four buildings or more. Fire walls having all openings

protected by fire doors were found in eight of these stores — old party walls being utilized in this way. Eight per cent. were in buildings of slow-burning or mill construction. The majority of these comprised two buildings — four of them with party walls converted into fire walls, having fire doors at all openings. Thirty per cent. of the buildings were fire resistive. In sixteen of these, the stores were located in two or more buildings, with no separating fire walls.

The interior finish of old stores is always wood; but in the stores of most recent construction, hollow metal or fire resistive wood are used whenever possible.

Much has been done to protect the valuable stock in stores. The insurance companies suggest safeguards of all kinds, the installation of which lowers the rate for the store owner.

II. AREAS.

It is the theory of many merchants that large, unbroken areas with a profuse display of a great variety of stock, create an impression upon customers which increases sales. Notwithstanding, fifteen stores included in this study had fire walls — party walls having been cut through and the openings protected by fire doors. There were usually two such openings on a floor, six to ten feet wide, the doors being in the majority of cases horizontal sliding doors.

In a single store two and three, even as many as four and five buildings were found separated in this manner. These have been recommended usually by insurance companies and are sometimes called "fire stops." As the majority of buildings so treated are very old, the fire hazard is great and the insurance rate is materially lowered by the development of this safeguard.

In the following five tables the eighty stores visited are classified as to areas. The facts tabulated are:

1. Height of building:
2. Number of buildings comprising each store:
3. Area in square feet:
4. Number, type and capacity per floor of stairways:
5. Fire walls developed from party walls.

TABLE I — TEN STORES HAVING AREA OF 5,000 SQUARE FEET AND LESS.

Number buildings.	Number stories.	Area in sq. ft.	Stairways.						Fire walls.
			Number.	Capacity.	Open.		Fire-resistive enclosed.		
					Continuous.	Broken.	Continuous.	Broken.	
2	3 & 3	2,000 +	1	10	0	1	0	0	.....
1	2	2,645	1	60	1	0	0	0	.....
2	5 & 5	3,900	1	40	1	0	0	0	.....
1	2	3,990	2	196	2	0	0	0	.....
2	3 & 3	4,260	2	125	0	2	0	0	.....
1	5	4,500	2	58	1	1	0	0	.....
1	3	4,940	2	88	1	1	0	0	.....
1	6	5,000	3	150	2	1	0	0	.....
1	2	5,000	1	130	0	1	0	0	.....
2	3 & 4	5,000	1	90	1	0	0	0	.....

TABLE II — SIXTEEN STORES HAVING AREA BETWEEN 5,000 AND 10,000 SQUARE FEET.

Number buildings.	Number stories.	Area in sq. ft.	Stairways.						Fire walls.
			Number.	Capacity.	Open.		Fire-resistive enclosed.		
					Continuous.	Broken.	Continuous.	Broken.	
1	4	5,280	2	72	2	0	0	0	.....
4	4–4–4–4	5,700	2	102	2	0	0	0	.....
1	3	6,200	1	*40	0	1	0	0	.....
1	5	6,300	1	56	0	1	0	0	.....
1	3	6,380	1	100	0	1	0	0	.....
1	5	6,600	2	75	1	1	0	0	.....
1	4	6,400	3	135	3	0	0	0	.....
3	5–5–5	7,500	2	105	2	0	0	0	.....
1	3	7,500	2	100	0	2	0	0	.....
3	2–2–2	7,500	4	108	4	0	0	0	.....
1	6	8,000	2	168	1	0	1	0	.....
1	2	8,000	2	102	2	0	0	0	.....
3	2–3–4	8,400	2	130	1	1	0	0	.....
1	4	8,844	1	46	1	0	0	0	.....
2	5 & 4	9,600	3	150	3	0	0	0	1
2	3 & 4	9,900	1	40	0	1	0	0	.....

* NOTE: — Capacity 80 from 2nd floor down; 40 above the 2nd floor.

TABLE III — THIRTY STORES HAVING AREA BETWEEN 10,000 AND 25,000 SQUARE FEET.

Number buildings	Number stories.	Area in sq. ft.	Stairways.						Fire walls.
			Number.	Capacity.	Open.		Fire-resistive enclosed.		
					Continuous.	Broken.	Continuous.	Broken.	
2	4 & 4	10,790	2	90	1	1	0	0	.....
1	5	11,250	2	118	1	0	1	0	.....
1	4	12,000	3	130	3	0	0	0	.....
1	7	12,000	3	274	3	0	0	0	.....
1	4	12,500	3	250	2	0	1	0	.....
2	3 & 3	12,500	3	250	2	0	1	0	1
1	2	13,400	3	260	3	0	0	0	.....
2	3 & 6	13,480	3	220	2	1	0	0	.....
1	6	13,800	2	100	2	0	0	0	.....
2	4 & 4	13,860	1	40	1	0	0	0	.....
2	5 & 6	14,280	2	100	1	1	0	0	1
3	3-4-1	15,750	1	50	0	1	0	0	.....
2	2 & 2	16,500	1	90	1	0	0	0	2
2	4 & 4	17,480	1	118	1	0	0	0	.....
3	6-4-4	18,480	2	95	1	1	0	0	1
1	5	18,500	3	140	2	1	0	0	.....
1	3	18,515	3	255	1	2	0	0	.....
2	4½-5	18,615	3	120	3	0	0	0	.....
2	1 & 3	19,000	3	186	.....	.....	2	1	.....
2	5 & 4	19,000	3	143	2	0	1	0	.....
1	9	20,000	2	*90	1	1	0	0	.....
3	1-1-5	20,500	2	90	2	0	0	0	.....
4	3-3-3-3	21,750	4	270	3	1	0	0	3
2	4 & 4	22,300	2	240	2	0	0	0	.....
4	2-4-5-5	22,500	3	215	2	1	0	0	.....
9	5-6-8	22,500	3	114	2	0	1	0	.....
3	4 & 5	22,500	6	288	6	0	0	0	.....
2	6 & 4	22,500	3	200	3	0	0	0	1
2	8 & 8	23,790	2	100	1	0	1	0	1
3	6-6-6	25,000	4	230	4	0	0	0	2

* NOTE: — Capacity 200 from 2nd floor down; 90 above the 2nd floor.

TABLE IV — FIFTEEN STORES HAVING AREA BETWEEN 25,000 AND 50,000 SQUARE FEET.

Number buildings.	Number stories.	Area in sq. ft.	Stairways.						Fire walls.
			Number.	Capacity.	Open.		Fire-resistive enclosed.		
					Continuous.	Broken.	Continuous.	Broken.	
1	5	26,000	2	110	2	0	0	0	.....
4	1-4-5-7	28,930	4	186	2	0	1	1	3
1	6	30,000	3	335	2	0	1	0	.....
6	4-3-1	30,000	3	215	3	0	0	0	.....
3	9-5-2	30,000	3	215	3	0	0	0	.....
4	7-3-2-5	30,375	5	350	4	1	0	0	1
1	7	32,375	2	170	0	0	2	0	.....
1	10½	34,200	6	500	3	0	3	0	.....
4	7-3-3-2	36,168	3	170	3	0	0	0	.....
3	10-5-5	41,300	7	537	0	0	5	2	.....
4	6-6-6-5	43,080	5	400	2	0	0	3	.....
1	8	45,000	5	550	3	0	2	0	.....
2	5 & 7	49,475	3	160	1	0	2	0	1
3	9-5-2	49,925	4	*672	4	0	0	0	.....
1	4	50,000	5	404	5	0	0	0	.....

* NOTE: — Capacity 1,020 from 2nd floor down; 672 above 2nd floor.

TABLE V — NINE STORES HAVING AREA BETWEEN 50,000 AND 100,000 SQUARE FEET.

Number buildings.	Number stories.	Area in sq. ft.	Stairways.						Fire walls.
			Number.	Capacity.	Open.		Fire resistive enclosed		
					Continuous	Broken.	Continuous.	Broken.	
4	5 & 6	54,075	6	410	5	0	1	0	2
6	3–6–6½	58,000	5	323	5	0	0	0	.....
1	8	63,000	9	900	0	0	9	0	.....
1	14	63,242	4	444	0	0	4	0	.....
3	5 & 7	66,000	9	616	9	0	0	0	2
5	2 & 6	70,825	5	545	5	0	0	0	5
1	10	83,000	7	1,244	0	0	6	6	.....
1	10	83,300	8	820	0	0	8	0	.....
1	7½	100,000	6	730*	6	0	0	0	.....

* NOTE: — Capacity 1,070 from 3rd floor down; 730 above 3rd floor.

Many other department stores housed in numbers of connected buildings could, at no great expense, convert existing party walls into fire walls, adding greatly — in event of accident or fire — to the safety of the public and of their employees.

III. OPEN WELLS AND ROTUNDAS.

Thirty-five per cent., or twenty-eight of all stores visited had open wells or rotundas.

Of thirty-one open wells or rotundas found in the twenty-eight stores:

Eight were in unsprinklered buildings;

Four were in buildings equipped with sprinkler systems, but had no sprinkler protection over the wells.

Number of open wells and rotundas in buildings classified as to construction: Fire resistive, 12; mill construction, 4; quick burning, 15.

When in addition to the large horizontal areas found in department stores, unprotected vertical openings such as wells and rotundas are permitted, in both quick burning and fire resistive buildings, conditions hazardous in the extreme are the result. The rapidity with which fire and smoke spread through buildings where such openings exist could cause serious panic, if not great loss of life, if a fire occurred in stores so constructed when crowded with customers.

These features are intended for effect or to introduce more light to lower floors. Whatever the intention when constructed, they cannot fail to be a menace in buildings used for stores.

The enclosing of such openings between floors in fire-resisting materials would undoubtedly lessen the spread of possible fires and would certainly prevent the diffusion of smoke throughout the building.

IV. WASTE AND PACKAGE CHUTES.

Waste Chutes.

Waste chutes are enclosed shafts continuous throughout department store buildings, with openings on nearly every floor. They are used for the removal of the large amounts of waste paper, cardboard boxes, and old packing materials that accumulate in stores.

Such waste being combustible, and waste chutes being the source of many fires, precautions are taken to confine any fires to fire-resistive enclosures. The chutes are, in the majority of stores, either bricked enclosures or metal-lined chutes in brick enclosures. Such chutes are fire resistive and are provided with manual or automatic fire resistive doors at all openings. The waste falls to the bottom of the shaft and is sorted from the rubbish and baled, usually in a fire resistive room; some stores have special rubbish incinerators adjoining these baling rooms.

The quick burning waste chutes were found outside of New York City and were usually open wooden shafts or holes in the floors, the waste being thrown down these to the basement.

Nineteen stores had waste chutes, six of which were of quick burning construction.

The following are examples of quick burning waste chutes and the type of building in which they exist:

Example 1.—The waste is thrown down an open chute from the first floor to the boiler-room floor. The walls and partitions are wood, some papered; floor stone and wood in the boiler room. The ceiling is low and wood beamed. The store is unsprinklered and the conditions hazardous in the extreme.

Example 2.—There are two open wooden chutes with openings on the first and second floors, under counters. The waste paper is swept up and thrown down these openings, the paper being baled in the basement, the boiler being located here also.

Example 3.— Open wooden chute first floor to basement to an open wooden enclosure. Two unprotected furnaces in basement.

These waste chutes were found in the smaller stores; the employees in these establishments are less affected by discipline than in the larger stores, where carelessness is more quickly detected and fire protection regulations strictly enforced.

Package Chutes.

Package chutes include dumbwaiters, package conveyors of different kinds, inclined wooden chutes and fire resistive spiral chutes. They were found varying in height from the chute be-

tween the main floor and the basement, to the chute leading from the tenth floor to the basement.

Quick burning package chutes were found in both large and small stores.

Thirty-eight stores had package chutes.

Of fifty-five such chutes located in the thirty-eight stores, sixteen were quick burning.

In four stores the conditions found were as follows:

Example 1.— New, quick burning building. Wooden dumbwaiter basement to second floor. In basement great deal of trash and excelsior at bottom of enclosure. Furnace in asbestos-lined room with no door.

Example 2.— Store consists of two buildings, one in process of fire resistive reconstruction and the other fifty years old. No division of old and new construction. Upper floors completed and public admitted. Sprinkler system cut off from two-fifths of store while building is going on. One open wood dumbwaiter first floor to fourth floor. One wood dumbwaiter first floor to basement parcel room. Both located in old part of store. A great deal of rubbish and waste at bottom of freight elevator shaft; also rubbish in engine room.

Example 3.— Premises consist of six connected buildings, both fire resisting and quick burning. Chutes located in section about thirty years old. Two wooden chutes, one first floor to basement, one second floor to basement. Large engine and boiler rooms sub-basement; wine-bottling and storage of alcohols in another section of sub-basement.

Example 4.— Store consists of five buildings and has two fire walls with protected openings each floor. Buildings about fourteen to thirty years old. Three wood chutes for package conveyors, from basement to seventh floor. Engines and boilers separate buildings. This store has discontinued use of a fire resisting waste chute.

Non-fire-resistive waste and package chutes are unprotected vertical openings between floors and are definite structural hazards; they not only act as flues in case of fire, but as avenues for the

rapid spread of flames and smoke throughout buildings. The fire which recently almost destroyed a department store in this state, when discovered, was in the basement. The fire spread so rapidly upward through unprotected openings that in five minutes it had reached the top of the building.

Too much emphasis cannot be given to the grave danger involved in the continued use of such chutes and the possible disaster to the occupants of a store so equipped, in event of fire.

V. Stairways.

The type, number and capacity of stairways in the department stores bear no relation to their use as emergency exits for large numbers of persons. The newer buildings have fire resistive enclosed stairways and a few of the older buildings have what were formerly open stairways, enclosed in fire-resisting material.

Seventy-five per cent., or sixty, of the stores investigated had no stairways enclosed in fire-resisting material.

Twenty stores had one or more fire-resisting enclosed stairways.

Only four stores had every stairway enclosed in fire-resisting material.

The following table shows the stairway facilities existing in the foregoing 60 stores:

TABLE OF SIXTY STORES HAVING NO CONTINUOUS FIREPROOF ENCLOSED STAIRWAYS.

Data tabulated: 1. Number of buildings comprising stores;
2. Height of buildings;
3. Area;
4. Stairways — type of open stairways and capacity per floor.

No.	Number buildings.	Number stories.	Area in sq. ft.	STAIRWAYS.			
				No.	Capacity.	OPEN.	
						Continuous.	Broken.
1	2	3 & 3	2,000—	1	10	0	1
2	1	2	2,645	1	60	1	0
3	2	5	3,900	1	40	1	0
4	1	2	3,990	2	196	2	0
5	2	3 & 3	4,260	2	125	0	2
6	1	5	4,500	2	58	1	1
7	1	3	4,940	2	88	1	1
8	2	3 & 4	5,000	1	90	1	0
9	1	6	5,000	3	150	2	1
10	1	2	5,000	1	130	0	1
11	1	4	5,280	2	72	2	0
12	4	4–4–4–4	5,700	2	102	2	0
*13	1	3	6,200	1	40	0	*1
14	1	5	6,300	1	50	0	1
15	1	3	6,380	1	100	0	1
16	1	5	6,600	2	75	1	1
17	1	4	6,400	3	135	3	0
18	3	5–5–5	7,500	2	105	2	0
19	1	3	7,500	2	100	0	2
20	3	2–2–2	7,500	4	108	4	0
21	1	2	8,000	2	102	2	0
22	3	2–3–4	8,400	2	130	1	1
23	1	4	8,844	1	46	1	0
24	2	5 & 4	9,600	3	150	3	0
25	2	3 & 4	9,900	1	40	0	1
26	2	4 & 4	10,790	2	90	1	1
27	1	4	11,250	3	130	3	0
28	1	7	12,000	3	274	3	0
29	1	2	13,400	3	260	3	0
30	2	3 & 6	13,480	3	220	2	1
31	1	6	13,800	2	100	2	0
32	2	4 & 4	13,860	1	40	2	0
33	2	5 & 6	14,280	2	100	1	1
34	3	3–4–1	15,750	1	90	1	0
35	2	2 & 2	16,500	1	90	1	0
36	2	4 & 4	17,480	1	118	1	0
37	3	6–4–4	18,480	2	95	1	1
38	1	5	18,500	3	140	2	1
39	1	3	18,515	3	255	1	2
40	2	4½–5	18,615	3	120	3	0
*41	1	9	20,000	2	90	1	*1
42	3	1–1–5	20,500	2	90	2	0
43	4	3–3–3–3	21,750	4	270	3	1
44	2	4 & 4	22,300	2	240	2	0
45	4	2–4–5–5	22,500	3	215	2	1
46	3	4–5–5	22,500	6	288	6	0
47	2	6 & 4	22,500	3	200	3	0
48	3	6–6–6	25,000	4	230	4	0
49	1	5	26,000	2	110	2	0
50	6	4–3–1	30,000	3	215	3	0
51	3	9–5–2	30,000	3	215	3	0
52	4	7–3–2–5	30,375	5	350	4	1
53	4	7–3–3–2	36,168	3	170	3	0
54	4	6–6–6–6	43,080	5	400	2	Other 3 f. r. encl. but broken flights
*55	3	9–5–2	49,925	4	672	4	*0
56	1	4	50,000	5	404	5	0
57	6	3–6–6½	58,000	5	323	5	0
58	3	5 & 7	66,000	9	616	9	0
59	5	2 & 6	70,825	5	545	5	0
*60	1	7½	100,000	6	730	6	*0

* NOTE: No. 13 — Capacity 80 per floor from 2nd floor down; 40 above 2nd floor.
No. 41 — Capacity 200 per floor from 2nd floor down; 90 above 2nd floor.
No. 55 — Capacity 1020 per floor from 2nd floor down; 672 above 2nd floor.
No. 60 — Capacity 1070 per floor from 3rd floor down; 730 above 3rd floor.

It must be recognized from this table that in the majority of these stores the stairways are both inadequate and defective as safe exits — the two examples here given are typical illustrations of this fact.

Example 1 is a building ten years old, nine stories high, of fire resistive construction. This building, with an area of 20,000 square feet, has two open staircases with but a total capacity of 92 persons per floor above the second floor; one of these ends on the second floor; no fire-escapes. From the second floor to the first floor, a centre stairs in an open rotunda has a capacity of 150. The store had over 1,300 employees during the Christmas rush season. The restaurant on the ninth floor has a capacity of 400, and is often full.

Example 2 is a building over forty years old, of quick burning construction, consists of three buildings one, three and four stories high. The store has an area of 15,750 square feet and has 140 employees. There is one open wooden stairs with a capacity of 50 persons per floor; the only other stairway is a narrow spiral iron stair, similar to those used in boiler rooms, extending from the fourth floor to the basement. This is worse than useless. The building has a fire-escape with a capacity of ten persons per floor.

The capacity of a stairway per floor as here given is the number of persons, moving in a slow, orderly manner, which that particular stairway could accommodate. The capacity of the same stairway in event of panic would be greatly lessened.

Throughout the stores visited one of the most serious features found regarding stairways was the location with reference to street exits. Serving as exits from upper floors, stairways should empty near street exit doors. This was not found to be the case in by far the greater number of stores. The stairways that empty in the centre of stores are of little use as safe exits; people from upper floors, retaining little idea of the location of street exits, would be helpless in the rush to get out of a building so constructed.

It will be seen from the table given that four stores have greatly increased stairway capacity for the lower floor or floors. These stores have "grand stairways," built principally for effect; such

stairways can only be a menace, being wholly unsafe as exits, located — as they are — in the centre of the buildings and remote from any street exits.

Such conditions as the foregoing show an utter lack of provision for extraordinary circumstances. The common use of elevators make these stairways adequate for any ordinary use, but they are utterly inadequate for emptying the upper floors in case of accident. These conditions reflect the seeming absence of responsibility on the part of owners, managers and the local building departments, for the real safety of the public.

VI. BASEMENT EXITS.

In the extension of the business of department stores, basements originally used for packing, stock and service are now largely occupied by salesrooms, locker rooms, lunch counters, restaurants and tube rooms as well, thus enormously increasing the occupancy — both of employees and patrons — at all times.

The National Fire Protection Association charts, previously quoted, show that the number of fires in basements has more than doubled in the past seven years. Despite this fact, in forty per cent. of the stores visited no direct exits to the street had been provided; the old stairways leading to the main floor, intended to be used by but a few persons, are usually the only means of exit for the largely increased numbers who now use these basements. The buildings of most recent construction, with but few exceptions, have provided these most necessary direct exits from basement to street, many of them being enclosed in fire resistive material.

The following table shows the number and type of stairways from the basements in 32 stores having no direct exit to the street.

TABLE SHOWING THE AREA, NUMBER OF STAIRWAYS AND TYPE IN 32 STORES HAVING NO DIRECT EXITS FROM BASEMENT TO STREET.

Area sq. ft.	Stairways			
	type.			Special note.
	No.	Open.	F. R. encl.	
18,396	2	2	0	
5,280	1	1	0	
13,480	3	3	0	
12,790	2	2	0	
6,600	1	1	0	
19,500	1	1	0	1 stair to street, narrow (dark, locked).
17,480	1	1	0	1 stair to street in kitchen (dark, locked).
5,000	1	1	0	
18,750	1	1	0	1 stair to street from boiler room.
13,303	2	2	0	
13,860	1	1	0	
8,844	1	1	0	
21,950	2	2	0	
44,070	10	10	0	
19,000	2	2	0	1 stair to street from boiler room.
31,170	2	2	0	
21,750	1	1	0	
6,380	1	1	0	
16,500	2	2	0	
6,250	1	1	0	
25,000	3	3	0	
18,500	2	2	0	
5,000	2	2	0	
4,500	2	2	0	
12,500	2	2	0	
83,000	3	0	3	
5,700	1	1	0	
5,000	1	1	0	1 stair to street, blocked and locked.
75,000	1	1	0	
12,000	2	2	0	
22,500	5	5	0	
8,000	1	1	0	

Although the term "Basement" is given to these sections of stores, they are really cellars and it must be borne in mind that they are in most cases situated entirely below the street level.

VII. Street Exits.

The observations made regarding stairway provisions in department stores are equally true of street exits—that they are sufficient for ordinary use but entirely inadequate for a demand that may arise at any moment. This is especially so of small stores facing on one street only. They have one means of exit — the main entrance doors — and if this is cut off escape from the building would be, in many cases, impossible.

In all stores the street floor is the most crowded floor, and since the show windows are so built as to be useless as means of exit

the size, number and location of the street doors are important factors of safety. In few stores covered by this investigation were the street exit doors adequate.

A grave and unrecognized danger is that created by the remoteness of stairways from exit doors. The stairways seldom empty directly on the street exits and often end in the open ground floor area, 50 or 70 feet from any street door.

Revolving doors were found in ten stores — some of these were of the type known as "panic proof" doors, as they collapse, leaving a free passage when severe pressure is put upon them. Other revolving doors were not of this type and can only be made to collapse when adjusted by a person familiar with the particular method. These revolving doors are popular because they lessen the amount of cold air which enters stores subjecting the sales people to draughts, but this protection should not be provided at the expense of creating a hazardous condition for large numbers of people. Two sets of doors, with super-heated vestibules are in use in many stores, providing safe egress and also preventing the entrance of cold air.

Twenty-five per cent. of the stores had one or more street doors that opened in — other street doors in the same buildings opened out, but that any direct means of exit is maintained in an obviously unsafe manner is indicative of the disregard for safety found in many stores.

VIII. Exterior Escapes.

Exterior escapes on buildings may be exterior stairs or fire-escapes.

Seventeen stores had exterior stairs — these are the newer type of exterior escape and provide a safe and direct exit to the street.

Windows or doors giving on exterior escapes were seldom found to be glazed with wire glass. The use of plain glass in such cases endangers the lives of people compelled to leave a building by this means.

Fifty per cent. of the stores had old-fashioned fire-escapes. One store having an escape is not included in this number; the escape was utterly inaccessible, the only entrance to it being a window covered with heavy wire mesh.

Five stores had both exterior stairs and fire-escapes. Fourteen stores having exterior escapes had in addition horizontal exits on three or more floors.

The following table shows the character of stairway exit provided in 23 stores having no exterior escapes or horizontal exits.

TABLE OF TWENTY-THREE STORES HAVING NO EXTERIOR ESCAPES OR HORIZONTAL EXITS.

No.	Type of Building.			Area.	Number of stories.	Stairways.				
	Fire-resistive.	Mill.	Quick burning.			Number.	type.			Total capacity per floor.
							Open.	Continuous.	Fire-resistive enclosed	
1			"	9,900	3 & 4	1	1		0	40
2			"	3,900	5	1	1		0	40
3			"	4,260	3 & 3	2	2		0	125
4			"	6,600	5	2	2		0	75
5			"	3,990	2	2	2		0	196
6			"	2,645	2	1	1		0	60
7			"	4,990	3	2	2		0	88
*8			"	2,000	3 & 5	1	1		0	10*
9	"			7,500	5	2	2		0	105
*10			"	6,200	3	1	1		0	40*
*11	"			20,000	9	2	2		0	92*
12	"			45,000	8	5	3		2	550
13			"	12,500	4	3	2		1	250
14	"			83,300	10	8	0		8	820
15	"			83,000	10	7	1		6	1,244
16			"	13,400	2	3	3		0	260
17	"			63,000	8	9	0		9	900
18			"	30,000	9–5–2	3	3		0	215
19	"			34,200	10½	6	3		3	500
*20	"			100,000	7½	6	6		0	730*
21			"	50,000	6	5	5		0	404
22	"			12,000	7	3	3		0	274
*23			"	41,320	10–5–5	7	0		5	537*

* NOTES: No 8 — Only window to small ladder to roof, window covered with heavy wire mesh.
No. 10 — Only stair in large open well has capacity of 50 from 1st floor to 2nd; 40, from 2nd to 3rd.
No. 11 — Had a centre stairway from 2nd to 1st floor, capacity 150.
No. 20 — Had a centre stairway from 3rd to 1st floor, capacity 400 per floor.
No. 23 — Two of these seven stairs are of the broken flight type, fire-resistive enclosed flight, but open hall space.

IX. Elevators — Freight and Passenger.

Sixty-eight stores had elevators, either passenger or freight or both.

In 58 per cent. of these stores the elevator shafts were non-fire resistive.

Twenty-seven stores had all shafts enclosed in fire-resisting material. Very few freight elevators are in non-fire resistive enclosures; even in very old stores, these have been protected, one store having an asbestos casing between two wood casings.

In addition to the lack of adequate stairway facilities existing in most of the stores is the serious neglect of safeguarding elevators, upon which store managements chiefly depend to remove people from the upper floors in case of accident.

Elevator shafts are vertical openings between floors and as such should be made at least fire resisting. They were found frequently to be enclosed in fire-resisting materials for a few floors only, as in one of the stores of the following:

Example 1 has twelve passenger elevators, the shafts of which are open below the fourth floor; above the fourth they are enclosed in fire-resisting material.

Example 2. To afford an exhaust for a cashiers' tube room on an old stairway landing, on the installation of a blower ventilating system, a pane of wire glass was removed from an adjoining elevator shaft which was otherwise enclosed in fire-resisting material throughout.

Example 3. Consists of two old buildings; no fire wall; one building in the course of complete fire resistive reconstruction; the freight elevator is in an open wood shaft. Horizontal wooden doors level with each floor are opened by the top of the elevator, these doors closing when the elevator descends. On the upper floors there was no protection around the shaft, the lower floors having railings surrounding the openings.

As may be seen from the foregoing, in 41, or over 50 per cent. of the stores visited, unprotected elevator shafts acting as flues, could materially increase the danger in these stores, should a fire occur; even if not affected by flames, they could so soon become filled with smoke as to be of little use as exits.

X. FIRE WALLS AND HORIZONTAL EXITS.

Fire Walls:

Fire walls were found in fifteen stores.

Many retail establishments are of fragmentary growth, being composed of from two to five buildings, party walls having been cut through in order to annex adjoining buildings. Many of these buildings originally intended for a small occupancy are now used by large numbers of people. Notwithstanding this increase in floor area for the accommodation of a larger number of customers, the original exit provision remains unchanged.

These combinations of buildings (many of them very old), with their highly inflammable stock, make of such stores not only potential conflagration centers, of menace to the surrounding buildings, but also create hazards further endangering human life within the stores.

The lowering of insurance rates rather than the safeguarding of life seems to have been the motive actuating the store owners to provide the fire walls found. None of the newer stores had fire walls, such subdivision of areas being considered detrimental to the business of general retailing.

That fifteen stores have such subdivisions and continue to be successful houses is evidence that if compelled to so develop existing party walls, the business of other houses in similar combinations of buildings would not suffer.

In stores composed of several buildings the expense of making party walls into fire walls, with protected openings, would not be prohibitive; and buildings so separated provide a degree of safety that should not be underestimated. Whatever the expense, it would in time be offset by lowered insurance rates.

Horizontal Exits:

Twenty stores had horizontal exits.

Fifteen stores had horizontal exits on each floor.

Five other stores had horizontal exits on some floors.

These were exits in basements or sub-basements leading under the street to another building, through tunnels having fire-resistive doors; exits to other buildings by means of bridges.

The stores having horizontal exits on each floor had fire walls either between old buildings or between old buildings and new additions.

MAINTENANCE.

In each building the main features as to maintenance were:

1. Occupancy;
2. (*a*) Restaurants;
   (*b*) Kitchens;
3. Factories and workrooms;
4. Aisles;
5. Egress devices;
6. Fire escapes;
7. Stairways;
8. Baling rooms and waste;
9. Packing rooms;
10. Combustibles;
11. "No Smoking" signs;
12. Inflammable decorations;
13. (*a*) Connection with fire departments or a supervisory company;
    (*b*) Fire appliances;
    (*c*) Standpipes;
14. Sprinkler systems.

I. OCCUPANCY.

The department store, drawing, as it does, large crowds of people, is in a sense a public building and as such, people are entitled to the safety provided for them in other places to which they are admitted.

The question of safety in stores affects alike the customers who visit them in vast numbers and the army of people employed in them. The maximum number of employes in the stores investigated was over 61,600. These figures represent only a portion of the employes in department stores in the State of New York.

Deliverymen, stablemen, helpers and drivers are not included in the foregoing number as they are not constantly in the buildings.

A study of the occupancy in twenty-two New York City department stores during the Christmas season revealed the fact that those stores are often crowded far beyond the capacity of the exits.

In one store at 3 P. M. there were 13,750 persons in the building, 4,500 being on the street floor and 2,200 being on the fifth floor, where toys were sold. This building has six stairways with total capacity of 730 above the third floor; a center stair with a capacity of 400 per floor increases the capacity below the third floor to 1,070 per floor. Five of the stairways are open; the sixth stairway, located between the main building and an annex, is only partially enclosed, having fireproof doors on but two or three floors.

Another store having four stairways enclosed in fire-resisting material, with a total capacity of 444 persons per floor, contained over 5,000 persons at 1:30 P. M., 1,000 being on the ninth floor.

The following table shows the occupancy in 22 New York City department stores on a given date, and it is interesting to note that, in some instances, the number of persons in a single building equals the population of a whole town or village:

TABLE SHOWING OCCUPANCY IN TWENTY-TWO NEW YORK CITY DEPARTMENT STORES FROM DECEMBER 19 TO 24, 1913.

Table shows: (1) Number customers counted each floor;
(2) Total number employees in each store;
(3) Total number customers and employees each building.
(4) Numbers type and capacity per floor of stairways;
(5) Area of building.

Number of Customers on Each Floor, and Total on All Floors.										Number of employees.	Total number in building.	Stairs			Area of building in sq. ft.
Basement.	1st	2nd.	3rd.	4th.	5th.	6th.	7th.	8th.	9 th.	Total.			No.	Type fire-resistive enclosed.	Capacity.	
100	450	20	30	0	0	0	0	0	0	600	130	730	3	0	150	5,000
0	24	26	16	0	0	0	0	0	0	66	40	106	2	0	100	7,500
20	910	200	100	25	15	0	0	0	0	1,280	1,300	2,580	3	0	274	12,000
0	96	28	6	0	0	0	0	0	0	130	125	255	3	0	130	12,000
25	130	36	0	0	0	0	0	0	0	191	65	250	3	0	250	12,500
30	700	40	0	0	0	0	0	0	0	770	180	950	3	0	260	13,400
150	500	30	12	35	57	0	0	0	0	784	1,900	2,684	6	4	500	15,000
0	260	18	26	15	0	0	0	0	0	319	450	769	3	1	140	18,500
0	93	0	0	0	0	0	0	0	0	93	300	393	3	2	186	19,000
15	125	20	5	0	0	0	0	0	0	165	265	430	3	1	114	22,500
50	600	50	60	15	0	0	0	0	0	775	1,100	1,875	3	1	335	30,000
0	479	55	33	18	90	15	8	0	0	704	2,230	2,934	6	3	500	34,200
57	1,115	250	140	325	89	0	0	0	0	1,976	1,600	3,576	4	1	350	36,250
0	320	50	150	35	5	0	0	0	0	610	1,465	2,075	7	5	537	41,320
0	1,000	300	100	200	20	0	0	0	0	1,620	3,280	4,900	5	2	550	45,000
500	780	290	56	107	17	0	0	0	0	1,750	3,147	4,897	4	0	*672	49,925
63	357	105	108	35	0	0	0	0	0	668	2,125	2,793	6	1	410	54,075
158	558	78	38	70	0	0	0	0	0	902	1,100	2,002	5	0	323	58,000
0	1,500	200	150	300	115	0	0	0	0	2,265	2,550	4,865	9	9	900	63,000
375	250	50	35	80	30	0	13	10	1,000	2,223	2,825	5,048	4	4	444	63,242
530	2,135	225	350	85	1,100	0	0	900	0	5,325	4,750	10,075	7	6	1,244	83,000
200	4,500	720	950	700	2,200	0	30	0	0	9,300	4,463	13,750	6	0	†730	100,000

* Central open stairway from 1st to 2nd floor with capacity of 350 additional.
† Central open stairway from 1st to 3rd floor with capacity of 400 per floor additional.

A number of stores have established an auditorium or concert hall. Thus another type of problem is introduced into the general problem of safety in the department store — that of the theatre or place of public assemblage.

The following are illustrative of such conditions found in four stores:

One auditorium having a capacity of 1,500, located on the second and third floor, has a main and balcony floor with exits from both to two adjacent stairways on each floor, enclosed in fire-resisting material, with a total capacity of 227 persons per floor. Two small exterior stairs having cantilever stairs to the street have a total capacity throughout of 90.

Another concert hall having a capacity of 200 is located on the sixth floor, has one pair of swing doors and one hinge door opening in, all three opening on a wide corridor with a horizontal exit and fire resistive enclosed stairway, both eighty feet distant from the concert hall.

In a third store, concerts attended by 300 people are given in an open space on the fifth floor, movable, folding chairs being provided. Forty feet distant is a horizontal exit, and 75 and 190 feet distant, respectively, are two fire resistive enclosed stairways with a total capacity of 175 persons per floor.

A practice has grown up in stores of holding fashion exhibits, which are widely advertised and draw large numbers of people. In one house the attendance at one time is over 1,000, these exhibits being held on an upper floor adjoining a restaurant having a capacity of 1,000. Although this store has eight stairways enclosed in fire-resisting material, with a capacity of 820 persons per floor, one stair ends in a kitchen on this floor, so that the capacity is reduced to 724.

Thus, anywhere from 300 to 1,300 people assembled in a limited area, in addition to the number of people distributed throughout the store, are likely to be in danger should any panic or fire occur in these stores at such times. Store proprietors assume grave responsibilities when they endeavor to attract the crowds that the foregoing table indicates are present during the Christmas season, a condition often duplicated on special bargain days. Every convenience and comfort is provided for the use of customers, such as rest rooms, hospitals, writing rooms, play

grounds for the children of customers, information bureaus, ticket offices, etc. The dictates of good business management demand the protection of valuable stock, and the dictates of safety demand that store owners should be compelled to remedy dangerous conditions now existing in their buildings.

II. (*a*) Restaurants.

Department store restaurants are no longer solely for the use of their customers. Many of the stores, being located in business districts, draw a daily attendance other than shoppers. Those restaurants in the larger stores are usually located on upper floors and are in constant daily use, being often crowded to capacity and with many people waiting.

In New York City, on February 19th, when traffic conditions were so seriously impaired that the fire commissioner had issued a warning that streets were almost impassable for fire apparatus, more than 1,200 people, exclusive of employees, were counted on an upper restaurant floor. This floor has unenclosed stairways with a total capacity of 730 for the floor.

In many stores restaurants have separate dining rooms where smoking is allowed. In some stores smoking materials are on sale and lighters provided. The carrying of lighted cigars and cigarettes is allowed in elevators, but store managers say they do not permit smoking in the sales departments, although smoking was frequently seen in these departments.

Forty-nine restaurants (including lunch rooms and lunch counters) were found located in thirty-seven stores, twelve stores having two each.

Fifteen were located in basements, of which:

1 had a seating capacity of 550.
5 had a seating capacity of 150 to 200 each.
4 had a seating capacity of 100 each.
6 had a seating capacity of 100 each.

Of the thirty-four located on upper floors:

4 had a seating capacity of 1,000 to 1,200.
3 had a seating capacity of 700 to 800.
6 had a seating capacity of 400 to 500.
21 had a seating capacity of less than 250.

The following are illustrative of the conditions found in four stores:

Example 1.— Restaurant 9th floor, capacity 400. This floor has two unenclosed stairways with a total capacity of 92 per floor. Smoking materials sold.

Example 2.— Restaurant 7th floor, capacity 700 to 800. Two fire-resistive enclosed stairways, one over 100 feet distant; total capacity of 170 per floor. These stairways are open from the main to the second floors and fire resistive enclosed above the second.

Example 3.— Restaurant 2nd floor, capacity 250. Smoking allowed in small connecting room. Restaurant partly surrounds open gallery, wood railing, iron columns. Railing covered with non-fireproof cotton plants in bloom and cotton goods. No stairway near. Escalator in gallery space.

Example 4.— Restaurant 8th floor, capacity 1,000; smoking allowed in connecting room; 8 stairways enclosed in fire-resisting material, total capacity 820 per floor — one ending in kitchen limits capacity to 724 for this floor.

To the man who conducts a restaurant the safety of his place of business is his active concern and the location of primary importance.

The department store restaurant is an incidental in a large and varied enterprise and is mainly installed for the convenience of customers, and as an advertisement — the latter with the idea of drawing many people to the building other than customers. For this reason such restaurants are usually located on upper floors so that some of the crowd, drifting down again to the street through the lower floors full of attractively displayed stock, may become purchasers.

The location and seating capacity of the majority of store restaurants necessitate the provision of adequate and protected stairways. In case of fire, elevators and fire-escapes are of little use when it is a question of from 400 to 1,000 people on the 8th and 10th floors reaching the street.

(*b*) Kitchens.

Sixteen of the thirty-five stores having kitchens and bakeries were equipped with coal ranges. Thirteen kitchens of the thirty-five were fireproof rooms.

In a few of the older stores and in nearly all those of recent construction, kitchens and bakeries were located in fireproof rooms.

The following are illustrative of conditions found in two stores where the kitchens were not fire-resistive rooms.

Example 1.— Kitchen and bakery are located on the third floor; the kitchen has three stoves — the wooden walls being protected only one-half way up and the smoke pipes being within one foot of the wall. The bakery is in a wooden partitioned room, the oven backing up on a wooden partition.

Example 2 has a kitchen on the second floor with a large coal range located in an old converted dwelling house, the construction being wood throughout. The escapes are a wooden stairway, or through the restaurant, which has no stairway near and surrounds an open gallery.

Conditions such as the foregoing are dangerous in the extreme, the nature of the buildings inviting the rapid spread of fire. The enclosing in fire-resistive materials of rooms used as kitchens is the only way to eliminate the hazards arising from the use of kitchens in store buildings.

III. Factories and Workrooms.

In seventy stores having factories or workrooms a total of over 5,000 persons were employed.

Legislation and the general publicity that has been given to factory conditions throughout the state has made little change in the conditions in mercantile establishments.

Nearly all establishments have alteration workrooms for men's and women's clothing, and millinery workrooms.

Upholstery workrooms, in addition to furniture upholstery, finishing and polishing, include such industries as carpet sewing, shade, awning and mattress manufacturing. This last industry entails the use of large quantities of hair, moss, cotton and feathers. While in most of the stores these materials were kept in metal-

lined bins, the mattress making was done in the open spaces. Sparks from machinery have caused fires in these departments, the materials used being of a highly inflammable nature.

Manufacturing was carried on in six stores and included the manufacturing of aprons, waists, dresses, suits, college caps and gowns, underwear, and men's shirts.

The physical arrangement and location of these factories and workrooms were, in the majority of establishments, a decided hazard to the workers.

Aisles were obstructed by chairs, tables, shaft casings and machines.

Fire-escape windows were found locked, barred and inaccessible. Hot radiators were in front of some fire-escape windows and often obstruct access to them.

In five stores workrooms were found to be located over 100 feet from any stairway or fire-escape.

Some specific examples, which illustrate the conditions of workrooms in department stores follows:

Example 1.— Dressmaking workroom fifth floor, maximum number of employees 125; no fire drill; one open stairway 50 feet distant from workers. The only door leading to this stairway opens in and leads to a corridor 8 1-2 feet wide, obstructed to 23 1-2 inch passageway by many tables, dozens of chairs and large and small wardrobe trunks; another door leads to fitting and sales rooms and another stairway over 100 feet distant.

Example 2.— The factory space is on the sixth floor at the end of an open floor; 80 people employed. No fire drill. Manufacturing aprons, jumpers, etc., piano polishing, upholstery and mattress making carried on. In the space devoted to piano polishing a small alcohol lamp and a bottle of alcohol were in use. To reach the only door to the only stairway (an open one) the workers in the upholstery and manufacturing sections would have to pass through the piano polishing space. In the upholstery section a gallon glass bottle of wood alcohol was in use. Supplies of alcohol, varnish and shellac were kept in two wooden cupboards. The only fire-escape for this section of the building is reached by means of a window 28 inches from the floor, the window having an iron bar 25 1-2 inches from the sill.

Example 3.— Dress and suit making eighth floor, minimum number of employees 200. No fire drill. Exit doors open in, lead through a hall to fire-resistive enclosed stairway. In this workroom the aisles do not lead to the two exits and are obstructed by dress forms, chairs, tables and machines.

Example 4.— Dress and suit alteration room, fifth floor, 75 employees; no fire drill. The only exit is through swing doors to an open stairway. The arrangement of the workroom shows no regard for the safety of the workers. Large tables and benches break up and obstruct all aisle formation. Thirty gas burners in a row, for irons.

From the preceding it is realized that factory conditions in department stores need some regulation other than the present labor law. The situation is complicated and neglected. The physical location alone, of these workrooms, makes the conditions entirely different from those found in the average factory.

IV. Aisles.

The arrangement of aisles, which is recognized as one of the most important features of the problem of safety in factories, is almost neglected in department stores where the aisles are the only means of reaching exits for the hundreds of people who may be in a store.

Aisles that are narrow, obstructed, broken, lead to a blank wall, or lead indirectly to an exit, are a menace.

25 stores had broken aisles.
34 stores had indirect aisles.
34 stores had some aisles less than 3 feet wide.
7 stores had all aisles less than 3 feet wide.

Movable obstructions in aisles are particularly dangerous, as they may very soon block the passageway in case of panic.

58 stores had movable tables in aisles.
23 stores had movable chairs in aisles.
43 stores had merchandise in aisles.

In upholstery and furniture sales departments the aisles are generally inadequate and indirect. The nature of the goods

necessitates large areas for display. Although usually the customers in these departments are apt to be few in number, at times special sales are held which draw crowds of purchasers to sections of stores having limited and poor aisle provisions.

V. EGRESS DEVICES.

In this investigation all red-lighted exit signs, stairway and fire-escape signs, employees' fire drills, and fire gongs were classified as egress devices:

86 per cent., or 69 stores, had no fire drills.
49 stores had no fire gongs.
47 stores had exits unindicated by signs.

In nine stores instructions were given as to leaving store in case of fire.

Two stores only had fire instructions printed and posted in prominent places.

In one store the investigator was told by the superintendent that drills were held every two weeks, but had been temporarily discontinued, as a new kind of drill was contemplated. Of three employees questioned, two had been employed six months and knew of no drill; the third said drills were held very seldom — every four or five months.

In some New York stores a drill is held which includes only those porters and others who man the apparatus.

In one of the stores a drill for the sixth floor factory employees only is held.

Horizontal exits as safe means of egress are not recognized, either by employees or the public. They are not indicated as such, nor is there any general knowledge as to the meaning of the term.

This lack of exit signs is most serious — exit signs furnish the only guide in time of fire to people accustomed to the exclusive use of elevators.

VI. FIRE-ESCAPES.

Fifty-three stores had fire-escapes of some kind. Of these:
In 30 access to the escapes were obstructed.
In 11 the windows giving on escape were barred.
In 14 the windows opening on escapes were locked.

In 9 iron shutters at windows blocked the use of the escape.

In 18 fire-escapes were defective, having either no drop ladders to the street or to adjoining roofs; having ladders out of place; being so badly rusted as to be dangerous. These escapes are of almost no value as exits, due to the manner in which they are maintained.

The following conditions are indicative of the maintenance of fire-escapes in department stores:

Example 1.— Had two fire-escapes ending above glass sheds, with no drop ladders to the street. The superintendent stated that there never had been any and that this lack had never been called to his attention by local or state inspectors. In this building on one floor shades were pulled down (in order that the space might be used for display of furniture) so that the fire-escape could not be seen from the interior of the store. Fire-escape windows were 46 inches from the floor in some departments; many of them locked; one in a workroom was nailed up. Benches, machines, cloth racks, and merchandise obstructed access to the windows, which were large and heavy and almost impossible to lift.

Example 2.— Each window, 21 inches from the floor, leading to a rear fire-escape, was barred by wooden rods placed diagonally above the lower sash. On the second floor an up-right iron button machine was fastened to the sill. All fire-escape windows located on the third floor were completely blocked by rubbish, boxes and packing-cases. The yard at the foot of the escape was knee-deep in hay, excelsior, paper boxes, old waste and broken wooden boxes, packing-cases being piled so high under the balanced stairs as to render them utterly useless. The lowest fire-escape platform was at least 18 feet from the ground.

Example 3.— Fire-escape sixth floor, both windows obstructed by a bench 31 inches high, 28 inches wide. Many windows were locked.

Example 4.— Four story. One fire-escape, second floor, access to window over hot radiator 27 inches high — window locked; other window locked but unobstructed. Third floor entrance to fire-escape blocked by chairs, storage of unused fixtures, old lumber, etc.

Fire-escapes at best are unreliable as exits and when maintained as the foregoing, they cease to be of use as such.

VII. STAIRWAYS.

In 43 stores stairways were found obstructed by merchandise.

In 13 stores doors opening on stairways were found locked.

In 18 stores stairways were obstructed by counters and shelves.

The use of elevators by the general public and employees has created a disregard of the final dependence upon stairways in case of fire.

In many cases the stairways and landings were actually used for the display of merchandise. Even landings of stairways enclosed in fire-resisting materials were found obstructed in this manner. This is only another instance of the policy of using all possible space, whether legitimate or not, for purposes of display.

The neglect of available exits indicates an indifference to the safety of public and employees. All stairway obstructions and locked doors opening on stairways limit the use of the most safe means of egress from burning buildings.

VIII. BALING ROOMS AND WASTE.

In large and small department stores waste paper of all kinds is collected from different parts of the store, baled and sold. In a few stores baling has been discontinued, all waste being burned in special incinerators. The usual custom is to collect waste on the various floors, in wooden wicker or metal trucks. If there is no waste chute, the waste is then taken to the baling room in these same trucks. The rubbish and waste are separated, that portion unfit for baling being usually burned. Baling rooms were found in 63 stores.

Notwithstanding the fact that department store owners recognize that many fires occur in baling rooms, 36 of the 63 stores maintained baling rooms that were non-fire-resistive:

12 of the 63 baling rooms were located in sub-basements.

44 of the 63 baling rooms were located in basements.

19 of the 63 baling rooms were located on upper floors.

Baling is frequently done in an open basement or cellar as follows:

Example 1.— Building erected 50 years; remodeled six years ago; 8,844 square feet area; sprinklered; 205 employees; in baling section in basement paper, waste and paper boxes piled 3 and 4 feet deep; baled paper removed every two weeks; room opens on an open area containing hoistway — sprinkler system is wet.

In some stores the waste is allowed to accumulate in open non-fire-resistive rooms, as in the example given below. This practice is very dangerous and was frequently met with.

Example 2.— The basement is in a dangerous condition. Flooring part stone and wood; wooden part in very poor repair. Wall partition of wood, some papers; ceiling low, with exposed beams. Boiler-room flooring is wood. Old disused stockroom, unlighted, is filled with old lumber. Waste is thrown down through opening in first floor to boiler room, and burned. Varnishes and paints on open wooden shelf.

IX. Packing Rooms.

The number of packing rooms and the amount of packing materials used in each store depends on the character of goods sold. Those houses specializing in clothing require only paper and boxes; those selling china, glass, hardware, furniture, etc., need hay, straw, excelsior, pads and cut paper. As these are very inflammable materials, the manner in which they are stored and used is important.

Packing may be done in one central place, in another building, or in each department. It was found that in the majority of stores small bundles were wrapped in the department where sold, other goods being collected and packed in one general packing room. In all but a few stores the packing was done in non-fireproof rooms.

In many stores the bins in which packing material was kept for immediate use were fire-resistive, and the amount kept in bulk was stored in fireproof vaults.

Sixty-six stores had packing rooms; four of these were fire-resistive.

The following packing-room conditions were frequently found in stores:

Example 1 consists of six buildings, both quick burning and fire resistive; area 58,000 square feet; 1,100 employees; sprinklered. Packing rooms in basement; straw littered on floor with hay and papers, and used from open metal-lined compartments under packing tables. A closet for excelsior in bulk, near a stairway leading to the street used by deliverymen, is imperfectly fire resisting and has half of the fire-resistive door missing. No "No smoking" signs — two employees recently discharged for smoking. That smoking does exist as shown by these dismissals, makes the conditions in the packing room grave.

Example 2.— Ten-story, fire-resistive building; area 83,000 square feet; sprinklered; 4,250 employees. Packing room sub-basement, many bales of excelsior on floor piled to within one foot of ceiling; great quantity of empty wooden boxes stacked to ceiling. Fire-resistive room for bulk of packing materials.

Example 3.— Four-story quick burning building; area 17,480 square feet; sprinklered; 260 employees. Long, narrow packing room in basement, littered with excelsior, straw and broken glass. Rear of basement sales in shipping and receiving department opening on a yard, dozens of cans of oil on shelves; open gallon can of kerosene; portable gas heater on floor within one foot of a wooden bin containing excelsior. In same small room is a can of carbide, 20 inches high.

X. COMBUSTIBLES.

The various industries carried on in department stores, require the use of some highly combustible materials.

Paints, varnishes, shellac, alcohol and turpentine were used in different repair and finishing departments. Gasoline, benzine, naptha or alcohol were used in alteration, millinery embroidery workrooms.

These materials, in many stores, were kept in bulk in fireproof rooms and in small amounts in the different departments in safety cans.

In 22 of the stores these combustibles were found being used or stored in an unsafe manner.

Specific Conditions Found:

Example 1.— Fifth floor, alteration workroom, maximum number employees 30. Gasoline in use from glass bottle; safety can near, but not used. Lighted gas stove for irons 12 feet distant; forewoman superintending use.

Example 2.— Third floor, furniture-finishing department.
Two gallons wood alcohol in open wood cupboard.
Two-quart glass bottles benzine in open wood cupboard.
One-quart glass bottle turpentine in open wood cupboard.

Example 3.— Has wine and olive bottling department in separate division of sub-basement; sprinklered; partly under street:

35 barrels of whiskey.
2 barrels of 95 per cent. alcohol.
1 barrel of wood alcohol.
1 barrel of denatured alcohol.

Portable gas heater within ten feet, unprotected.
Twelve men employed — only escape up open wooden steps with capacity of three.

Example 4.— Sixth floor, perfumery factory in small room; about twenty 2 to 5-gallon glass bottles containing essences in alcohol; 1 barrel of bay rum; 1 barrel alcohol. Gas stove within twelve feet of alcohols. Exit to roof; ladder door at top bolted; no roof getaway. Stairway more than 100 feet distant; indirect aisles badly obstructed by packing cases.

XI. "No Smoking" Signs.

The very large number of fires due to smoking, mentioned previously, is indicative of the general increase in smoking generally.

Thirty-five per cent. of all stores had "No Smoking" signs.

Department store managers recognize the danger of employees smoking where there is so much inflammable material. In many stores rules regarding smoking are rigidly enforced, men being at once dismissed if found smoking. With these rules as to em-

ployees goes an indulgence toward customers who smoke, and whose smoking creates just as great a hazard.

In the Christmas season in one store, two investigators saw three men smoking on the street floor. The aisles were crowded to capacity and the counters covered with flimsy goods. The matter was called to the attention of the head man on the floor, but, notwithstanding the congested condition and the real peril involved to clerks behind high counters, the smoking was allowed to continue.

XII. INFLAMMABLE DECORATIONS.

Inflammable decorations found were flags, artificial flowers or foliage, tissue paper decorations, or merchandise of an inflammable nature used as decorations.

Decorations were arranged around galleries or rotundas, hung from ceilings, festooned between columns and posts, and on wooden arches above counters.

The merchandise used for ornamentation was Christmas-tree decorations, handkerchiefs, sheet music, muslin underwear and upholstery materials such as portieres, curtains and draperies.

Pieces of all artificial flowers or foliage and tissue paper decorations were tested to ascertain if combustible.

A small blaze which ordinarily could be extinguished quickly and cause but little panic, when starting in or near inflammable decorations can spread with great rapidity, in a few seconds becoming a serious fire, with the probability that a large area may become affected, and the inevitable panic among employees and shoppers be disastrous.

The presence of such decorations increases the possibility of fires from defective wiring, lighted matches, smoking, and bursting electric light bulbs.

These decorations are in use more generally and to a greater degree during the Christmas season, when both large and small stores are subject to extraordinary crowding.

The increased number of fires in department stores, classified in Chart I previously given, as "Christmas," indicates that certain fires were due to specific seasonal conditions. Too much stress cannot be put upon the fact that at this time there is a recognized

definite hazard which the use of inflammable decorations can only greatly increase.

In two stores the decorations were fireproof. In these stores it was stated that insurance inspectors frequently tested the decorations and those that were condemned were removed.

Eight stores had inflammable decorations in use.

Nine stores had inflammable decorations stored.

The following conditions indicate the way in which these decorations were used in the stores investigated:

Example 1.— Store consists of six buildings, both fire resistive and quick burning, all open; sprinklered; area 58,000 square feet; 1,000 employees. On the second floor a wooden railing around open gallery was profusely decorated with cotton plants in bloom and cotton goods. The restaurant, accommodating 250 persons, partly surrounds this gallery; smoking permitted in an adjoining room; no stairway near.

Example 2.— Store 26 years old; sprinklered; area 26,000 square feet; 560 employees. Sixth floor, small wooden partitioned room contains unused fixtures and non-fire-resistive artificial foliage decorations stored in wicker laundry baskets. Superintendent stated that the decorations, which burned freely when tested, were absolutely fire resistive.

Example 3.— Store consists of three buildings — two fire resistive and one quick burning; all open; sprinklered; area, 41,320 square feet; 1,465 employees. Fourth floor upholstery department walls and columns were literally covered with large amounts of draperies; flimsy materials hung between columns and from ceiling. No definite aisle arrangements; rugs and draperies obstruct passageways.

XIII. (A) Connection with Fire Departments or Supervisory Companies.

(B) Fire Appliances.

(C) Standpipes.

A. Fifty-three per cent. of the retail mercantile establishments visited were neither connected with local Fire Departments nor

Supervisory Companies. To call the fire departments, they were dependent on telephones, the nearest street fire-boxes or the nearest buildings connected with fire departments.

B. The number and kind of fire appliances in stores were found to be usually determined by the insurance companies. The appliances consisted of pails, tanks containing six pails in a brine solution; axes, hooks, five-gallon and forty-gallon chemical extinguishers. A few paint shops and engine rooms were also equipped with sand pails.

Seventy-eight stores had fire appliances of some kind.

Two stores had no fire appliances.

The following illustrative conditions were found:

Example 1.— Area 8,000 square feet; quick burning building; unsprinklered; no standpipe, fire department connection or fire appliances; 60 employees.

Example 2.— Area 6,300 square feet; quick burning building; unsprinklered; one standpipe; no fire department connection; inflammable decorations in use; 50 employees.

Example 3.— Six-story quick burning building; 8,000 square feet; unsprinklered; no standpipes; employs 30 people.

Quoting from investigator's report:

"The fifth and sixth floors (non-selling) look as if they had not been swept for weeks, waste paper, old cases, tables, gingham covers, old show cases and empty soup cans all over the floor. The sixth floor room is used by some employees as lunch room — papers scattered around, dust inches thick. Old paint rags, tobacco pouches, waste paper, burnt out matches on the floor, bottle of turpentine on a table. The fire pails are neglected, with few exceptions being uncovered, many empty, others stowed away under counters. On the main floor, three of the four bucket tanks were placed together at the head of the stairs to basement. Several of the tank lids stuck and could not be opened."

In a number of the large department stores, fire brigades, composed of store employees, are maintained. The stores are divided into sections and bells which ring throughout the building indicate the section in which the fire is supposed to be. Some estab-

lishments have retired firemen in charge of all fire appliances, brigades and drills.

Example 1.— Has fire brigade drills frequently at 9 A. M. when customers are in the store, the management believing that patrons are favorably impressed by such provision for safety.

Example 2.— The practice drill for a brigade in one store is as follows: After closing in the evening, four bells are rung, to which 23 porters respond, going to the superintendent's office on the first floor. They are then told the location of the supposed fire, to which they proceed and go through a drill. The time lost through the lack of signals to locate a fire definitely must decidedly lessen the efficacy of this drill.

C. *Standpipes.*

Fifty-eight per cent. of the stores had no standpipes. One building had a standpipe without any hose connection.

Standpipes were usually located near stairways so they could be used readily. In some buildings they were located in the interior of the floor, which limits their accessibility, as smoke might prevent their being reached. In the newer stores having fireproof enclosed stairways, the standpipe connections are usually on the landings. This location makes them accessible and lessens the danger for those putting out any fires of being overcome by smoke.

Example 1.— New six-story fire-resistive building; area 13,303 square feet; no standpipe; sprinklered; maximum number of employees, 350; two chemical extinguishers per floor.

Example 2.— Store consisting of three buildings, erected about 1854; one seven, and two four stories high; area 36,168 square feet; sprinklered; no standpipes; 700 employees; no fire pails; 12 chemical extinguishers each floor.

Example 3.— Nine-story fire-resistive building, ten years old, area 20,000 square feet; sprinklered; no standpipes; 1,330 maximum number of employees; no fire pails; eight chemical extinguishers to each floor.

XIV. SPRINKLER SYSTEMS.

Fifty of the stores visited were equipped with sprinkler systems.

In addition to the protection afforded both buildings and contents, the installation of sprinkler systems in retail mercantile establishments seem to be due to the resulting decrease in rates of insurance, and to questions of financial credit.

These advantages are effective upon the installation of the physical equipment. Whatever protection for human safety sprinkler systems may afford depends upon their maintenance, at all times and in all parts of the stores, to their maximum efficiency.

That the maintenance thus entrusted to the owner seems not to be entirely satisfactory is evinced by the growth of outside supervisory companies, with their signals, inspections and repairs.

Companies supervising sprinkler systems were not located in all the cities visited and, furthermore, in cities where these companies did exist all sprinklered stores did not have their supervision.

There are some conditions due to faulty maintenance which are not indicated by signals with supervisory companies — such as merchandise stacked too near sprinkler heads and practices similar to that found in Example 1 described below.

The following were some of the conditions of maintenance found:

Example 1.— The store consists of three old buildings; 22,500 square feet; no fire walls; 1,880 employees. An indicator in the engine room records the building, but not the floor, when a sprinkler head fuses. The trouble has usually proven to be in a basement delivery department where, because of a low ceiling, sprinkler heads are easily knocked off. Consequently, the engineer turns off the water in the building indicated until the trouble is located.

Example 2.— The store consists of two buildings, one five years old, date of construction of the other unknown — but it is very old; no fire wall; area, 17,400 square feet; 250 employees. Fourth floor (furniture sales) has five small temporary display

rooms, lighted by electricity, arranged as living rooms for the display of furniture, rugs and upholstery. These rooms are divided by wooden partitions, muslin ceilings being stretched between sprinkler heads and merchandise; the supporting columns are of wood and iron and one decorated with non-fireproof flowers and vines. Another similar space near, likewise illuminated and covering an area of 25 by 10 feet, has a painted muslin ceiling between the sprinkler heads and merchandise, supported by wooden columns.

Example 3.— Store consists of three buildings separated by two fire walls; area 25,000 square feet; 1,200 employees. An investigator having seen fire apparatus in front of this store went to the fire department for information; from there, for further information, the investigator was referred to the supervisory company in charge of the store sprinkler system. At the central office of the supervisory company the alarm was said to have been false, due, probably to some disarrangement of the section supplying the boiler room. Two heads in this room had fused at different times early in the afternoon, necessitating the shutting off of that section for three hours while repairs were made. The boiler room is wooden beamed and although the store engineer said the heads fused at 158 degrees Fahrenheit, the manager of the supervisory company stated they fused at 286 degrees Fahrenheit and that heads fusing at 300 degrees would be installed. Thus, for three hours during a busy part of the day this store was deprived of sprinkler protection in a section continually subjected to great heat.

When sprinkler systems are properly maintained they are of inestimable value in preventing serious fires. Because of the protection afforded by automatic sprinklers the rules for their proper maintenance ought to be carefully made and enforced throughout the state. Should fire occur in any section of a store which — because of repair to the system, lack of careful maintenance, or lack of water supply — is temporarily cut off from sprinkler protection, the consequences for the occupants might be grave. Especially would this be so where over confidence in the infallibility of the sprinkler system has allowed owners to ignore

the necessity for adequate exit provision. Whatever the devices for extinguishing fires in buildings, the exit facilities should be adequate.

CONCLUSION.

After a study of the facts here presented, it seems clear that there is imminent danger of a great and disastrous fire in some mercantile establishment in New York State.

Two sets of conditions contribute to that danger, namely, careless maintenance of such establishments, and construction planned without reference to the safety of the occupants.

To summarize the most commonly occurring dangers, we find they are:

1. Poor housekeeping, leading to conditions favorable for origin or spread of fire.

2. Lack of any plan to facilitate egress and prevent panic in case of fire.

3. Inadequate number and size of street exits from ground floors, leading to conditions which would cause panic, crowding and crushing in case of fire.

4. Insufficient number of stairways for accommodation of crowds on the upper floors in case of fire.

5. Presence of open stairways which not only fail to furnish a safe egress in case of fire, but act as spreaders of fire from floor to floor.

Remedies can undoubtedly be found for all these defects and a possible terrible tragedy averted. Many of the worst conditions are the result of poor judgment, lack of knowledge or lack of attention on the part of owners and managers. For the most part, the existing or possible exit facilities have not been developed toward making safer buildings, even when no great expense would be entailed.

The principles of the present labor law in regard to factories should be adapted to meet the needs of fire protection in mercantile establishments. The necessary adaptations are indicated below.

The most striking provision for fire safety made by the New York State Labor Law is that which compels the reduction of the

number of occupants on any floor of a building to a number equal to the capacity of the approved exits from that floor.

The difficulty of enforcing any such regulation in a mercantile establishment, where the number of occupants varies from hour to hour, is obvious. Consequently, it becomes necessary to require exit facilities for all the *possible* occupants of a mercantile establishment.

It is generally admitted that not more than one-half of the floor space in a mercantile establishment is free from stock, fixtures, etc., and so available for human occupancy.

The requirement for exit facilities should be based upon the number of persons who can occupy this free space. Since a crowd of considerable density occupies space at the rate of ten square feet per person, the possible number of persons on any floor of a mercantile establishment can be computed, and stairway or horizontal exit provision can be required for them on the regular factory basis of fourteen persons for every eighteen inches in width of stairway.

The necessary changes in stores can be made without undue expense, and because these buildings are in reality public buildings, to which crowds of persons are attracted by the owner for the gain of the owner, there can be no doubt of the state's responsibility to insist upon a thoroughgoing program of protection to human life as a first requisite for conducting such a business.

Recommended Regulations for Mercantile Establishments.

The following regulations are recommended for the maintenance and construction of mercantile establishments. The matters relating to the maintenance of department stores might well be subject to regulations by the Industrial Board of the State Labor Department. Matters relating to construction or alteration of mercantile establishments should undoubtedly be subjects for special legislation.

Construction:

1. All vertical openings between floors shall be enclosed in fireproof partitions, and all openings from these enclosures to the various floors shall be protected by self-closing, fireproof doors or

windows. (For definition of fireproof partitions, see the Factory Law. Vertical openings include rotundas, wells, stairways, elevators, package chutes, light shafts, belt openings, pipe and duct shafts, hoistways, etc.)

2. From every floor of every building used as a mercantile establishment, there shall be at least two standard means of exit remote from each other.

A standard means of exit shall be considered an enclosed fireproof stairway (see Factory Law); or a smokeproof tower; or a horizontal exit; or an exterior screened stairway when one of the three foregoing types of exit is present in the building.

3. All required stairways shall extend continuously from the floors which they serve, to the street; or to a fireproof passageway independent of other means of exit from the building, and opening on a road or street; or to an open area affording unobstructed passage to a road or street.

4. Each floor below the street level used for purposes of the business in any mercantile building shall have at least two standard means of exit remote from each other leading directly to the street; or to a fireproof passageway, or vestibule which is independent of other means of exit from the building and opens on the street.

5. The number of persons who may be allowed to occupy any mercantile building or portion thereof shall be limited to such number as can safely escape from such building by the means of exit provided. (For the standard of exit capacity see the factory law, section 79-e, pars. 1, 2, 3, 4, 5, 6, 7, and 8.)

6. Notice of the number of persons who may occupy each floor of such building shall be posted in plain view on each floor in as many places as the Commissioner of Labor may designate.

7. All doors in buildings used for mercantile purposes shall open outward, or be double swinging doors.

8. Doors from all interior rooms which are used as workrooms, or from any interior room where more than five persons are permitted, shall open outward or be double swinging doors.

9. No revolving doors shall be allowed at any entrance.

10. The width of the hallways, vestibules and required exit doors leading therefrom to the street shall be not less than the aggregate width of all stairways and exits leading to them.

Maintenance:

1. No door (or window) or other opening leading to a means of egress shall be locked, bolted or fastened against egress, or in any way obstructed.

2. All exits (stairways) shall be maintained free of all obstruction.

3. Aisles throughout the building shall be so arranged as to afford continuous, safe, unobstructed passageways on each floor of the building with an unobstructed width of at least three feet throughout their length, leading directly to every means of egress, including fire-escapes and passenger elevators.

4. No aisles in any building shall be reduced in width in the direction of the exit.

5. No obstruction of any kind, fixed or movable, shall be allowed to divide or block the aisles.

6. All interior rooms in such building used as workrooms, and all interior rooms in which more than five persons are permitted, shall have at least two means of exit remote from each other.

7. Packing rooms, where inflammable material is used, shall be enclosed in fireproof partitions.

8. All excelsior, paper, clippings or other inflammable material used for packing purposes shall be baled and stored in a fireproof room, and all loose excelsior in use in packing rooms shall be kept in approved fireproof bins.

9. Approved fireproof receptables shall be provided throughout the building for the reception of waste material and rubbish, and waste material must be placed therein.

10. Where gas or kerosene are used for lighting purposes the lights shall be placed at least eighteen inches distant from inflammable stock and shall be protected by wire safety-cages. No movable brackets shall be permitted.

11. All kitchens or bakeries located in mercantile establishments must be enclosed in fireproof partitions and separated from the rest of the building by such partitions.

12. Smoking shall be prohibited throughout the building, except in fireproof enclosed rooms set aside for that purpose.

13. All exits shall be plainly marked by means of a red-lighted sign, and in addition throughout the floor area there shall be red-lighted index signs showing the most direct path to the various exits.

14. Where there are different floor levels in any building or group of buildings used as a mercantile establishment, the connection between floor levels shall be by means of gradients having a non-slipping surface. (This item should be made to conform to the provision for floor levels in theatres in the New York City Building Code.)

15. All stairways which are not adequately lighted by natural light shall be provided with artificial light.

APPENDIX VII

REPORT TO THE NEW YORK STATE FACTORY INVESTIGATING COMMISSION OF THE FIRE IN THE FACTORY OF THE BINGHAMTON CLOTHING COMPANY, BINGHAMTON, N. Y., JULY 22, 1913,

BY

JAMES P. WHISKEMAN, C. E.,

Advisory Engineer to the Commission.

REPORT OF THE INVESTIGATION OF THE FIRE IN THE FACTORY OF THE BINGHAMTON CLOTHING COMPANY, BINGHAMTON, N. Y., JULY 22, 1913.

Hon. Robert F. Wagner, *Chairman New York State Factory Investigating Commission, 51 Chambers Street, City:*

Sir.— In accordance with the instructions of Bernard L. Shientag, Esq., Assistant Counsel to your Commission, I went to Binghamton on Wednesday, July 23d, arriving there about 8:30 p. m., and proceeded at once to make an examination of the Binghamton Clothing Company fire.

Date of Fire.

The fire was discovered on Tuesday, July 22d, about 2:30 p. m., and in a short time (according to the testimony about twenty minutes) had completely destroyed the building. Nothing was left standing except the foundation walls and the piers in the cellar.

Location and Dimensions of Building.

The building was located between Center street and Wall street, in the city of Binghamton, N. Y. It stood upon a lot 125′ 4″ deep on the north side, and 119′ 6″ deep on the south side, the lot being 45′ 0″ wide on Center street and 45′ 3″ wide on Wall street. The building occupied the entire lot, and extended in its longest dimensions east and west, Wall street being at the west end, and Center street at the east end. This building was entirely detached from other structures.

Foundation Walls.

The building was about twenty-two years old and was four stories and cellar in height. The foundation walls are built of rubble masonry, 26″ thick on the sides and an average of 3′ 0″ thick on Center street; piers being used to support the front on Wall street of irregular dimensions, as shown on the accom-

panying plans. The foundation walls and piers are all left standing, and, with the exception of two piers, were not seriously affected by the fire.

Upper Walls.

The upper walls were built of brick, 16″ thick in the first story, and probably 12″ or 16″ thick in the upper stories, with parapet walls extending above the roof on all sides.

The main entrance was in the center of the building on Wall street. The walls above the entrance were supported on cast-iron columns and brick piers. There were also two window openings, in addition to the entrance, in the first story on Wall street. There was another entrance to the building on Center street, and also an entrance to the cellar on Center street. In addition there were two windows and a loading platform in the first story on Center street. The north side wall had fifteen window openings in the cellar, and sixteen window openings in each story above the cellar; the front wall on Wall street had five large window openings in each story above the first. The front wall on Center street had six window openings in each story above the first. The south side wall had no openings in it in any story.

Interior Floor Construction.

The interior of the building consisted of wooden floor beams and girders supported by wooden columns above the cellar floor, the columns being supported on bonded brick piers in the cellar. The floor beams throughout were 3 x 12″ hemlock, 12″ on centers. The girders in the first floor were composed of 10½″ iron I-beams with wooden plates on each side. The girders on the upper floors were two 5½ x 12″ hemlock timbers, side by side, with 1″ air space between them. The brick piers in the cellar were 2′ 0″ by 2′ 9″ in size, with cap and bond stones. The posts above the cellar were 8″ x 8″ beech, and were about 12′ 0″ on centers. The floor beams were covered by ⅞″ flooring.

Stairways.

There was one stairway, about 3′ 0″ wide, which led from the entrance door on Wall street to the second floor. There was an-

other stairway, about 3′ 0″ wide, located a little east of the center of the building, along the south wall, which led continuously from the first floor to the fourth floor. There was formerly another stairway, about 3′ 0″ wide, adjacent to this one, which led from the second floor to the third floor, but which had been closed up. The entrance to the cellar was by a stairway, which led from Center street. There was formerly another stairway to the cellar underneath the front stairway, but which had been closed up. The stairways were all built of wood, and the stairway from the entrance on Wall street to the second floor was provided with wood doors at the top and bottom, and was enclosed on the sides by wood partitions, which served the purpose of dividing partitions. The main stairway along the south wall was unenclosed, excepting where a partition was placed alongside of it to enclose a room. There were no doors to this stairway. The stairways from Center street to the first floor and to the cellar were unenclosed. Exit to the roof was by means of a scuttle and ladder.

Elevator.

A freight elevator was provided, to the east of the main stairway, along the south wall, as shown on the plans, which ran from the cellar to the top floor. There was no elevator shaft, trap doors being provided in the various floors through which the elevator passed, and which were opened and closed automatically by the elevator in passing through the floors.

Chutes.

Two chutes were provided, one of which was located near Center street along the north wall, and which extended from the cellar to the second floor, and was used to lower waste materials, cuttings, clippings, and other material to the cellar, where it was received by the engineer. The other chute was located alongside of the main stairway, and extended from the cellar to the fourth floor. This chute was used to hoist material from floor to floor, and to lower the waste materials, clippings, cuttings and rubbish from the various floors to the cellar, where it was received by the engineer. The chutes were enclosed by board partitions with unprotected openings at each floor.

Openings Unprotected.

The window and door openings throughout the building were not protected by fire-resisting material in the shape of metal frames and wired glass or fireproof shutters and doors.

Fire-escape.

A double-rung inclined ladder fire-escape was located at the southeast corner of the building on Center street and took in the two southerly window openings. The platform of this fire-escape was 3′ 0″ wide and was provided with a railing 3′ 0″ high. The ladder was 19″ wide in the clear, and was placed at an angle of more than 60 degrees. The treads were composed of two ⅝″ round bars, 2½″ apart. The rise was 12″, the width of each string was 4″ and the thickness of the string was ¼″. There was a hand-rail provided. The brackets to support the balconies extended through the wall, and were bolted on the inside, and were made of 1″ square rods. A goose-neck ladder was provided from the fouth story balcony to the roof, and a drop ladder was provided from the second story balcony to the ground, which was kept hung on the third floor balcony, and which had to be lowered by hand and hooked over the second floor balcony when in use. The drop ladder was 12″ in width, with strings ⅜″ x 1½″, and rungs ½″ in diameter placed 12″ on centers. The fire-escape passed windows which were unprotected, by shutters or metal frames or wired glass.

Access to Fire-escape.

Access to the fire-escape was had through the two window openings in the Center street front nearest the southerly end of the building. The balcony for the fire-escape was placed directly below the window sill, which was some distance above the floor. Wooden steps were provided in the interior leading to the window sill.

Effect of the Fire on Fire-escape.

The fire-escape was completely destroyed when the wall fell on which it was placed. An examination of the material showed that

it suffered perhaps more from the fall than it did from the fire, although it was warped and out of shape.

Nature of Business.

The building throughout was occupied by the Binghamton Clothing Company in the manufacture of workingmen's clothing, such as overalls, rain coats, heavy wool-lined coats, etc. The materials used were largely of a cotton texture and were inflammable.

Occupancy of Cellar.

In the cellar was placed the boiler, engine and some electric machinery. The cellar was used for the storage of raw materials, packing cases and for the storage of the waste materials, clippings and cuttings, where it was bundled in bags for a ragman who came once a week.

Occupancy of First Floor.

The first floor was occupied on the north side by main office, private office, ladies' coat room and stockroom, and on the south side by a store, toilet room and shipping room. These rooms were all partitioned off from each other and from the hallways, which ran through the center of the building from the main entrance, by wooden partitions.

Occupancy of Second Floor.

The second floor was occupied on the north side by cutting tables and marking tables and on the south side by stock rooms and a toilet room.

Occupancy of Third Floor.

The third floor was occupied on the north side by pressing tables, button machines and folding room, and on the south side by inspection rooms, ladies' wash room and dressing rooms and stock rooms.

Occupancy of Fourth Floor — Number of Occupants.

The fourth floor was occupied by the sewing machines, and by tables to store material in process of manufacture. According to the testimony, there was one person at work in the cellar, six persons on the first floor, five persons on the second floor, twenty

persons on the third floor, and eighty persons on the fourth floor, at the time the fire took place. The sewing machines were formerly located on the third floor, but some time ago were moved to the fourth or top floor, on account of the increased light, due to a number of skylights placed in the roof.

Partitions.

The partitions throughout the building were of wood.

Fire Appliances.

The building was equipped some two months ago with a fire-alarm signal system, which could be operated by a push-button from the various floors. There were three fire pails on the first floor and six on the second floor. There was no testimony which brought out the number of fire buckets on any of the other floors. There were no fire extinguishers, fire hose or other fire appliances of any kind on the premises.

Conditions of the Factory.

According to all the testimony, including that of the owner, the floors were not swept oftener than once a day, at which time waste materials, clippings and cuttings were collected and placed in bags, and hoisted down one of the chutes, or swept down one of the chutes and placed in bags in the cellar. This material was not removed from the cellar oftener than once a week. This waste material was not baled or stored in fireproof enclosures. The oily rags, according to the testimony of the owner, were placed in metal receptables or burned. Both gas and electricity were used in the building; a violation had been filed at a distant period to enclose the gas jets in wire cages, which was stated had been complied with. On the top floor the rows of sewing machine tables were arranged so as to provide an aisle at each end with the exception of two rows, which had aisles placed only at the one end.

Location and Progress of the Fire.

The fire was first discovered, according to the living witnesses, underneath the main flight of stairs, adjacent to the south wall

of the building, leading from the first floor to the second floor, either on a shelf or on the floor. According to the testimony of the shipping clerk, who was working adjacent to this stairway, he had left the floor for a period of five minutes, when upon his return he smelled smoke, and saw the fire on top of the shelf underneath this stairway. This rack or shelf was suspended from the stairway about seven feet above the floor level and was used to store some plush, canvass and old office books. The shipping clerk immediately emptied the three buckets of water on the flames without any effect. About the same time Mr. Freeman, the owner of the factory, discovered the flames on the floor underneath the shelf. Mrs. Freeman in the meantime telephoned to the fire department. About this same time the smoke was seen coming up through the open stairway to the second floor, by several of the cutters employed on this floor, one of whom, Mr. Decker, pressed the button which sounded the alarm. The others emptied six pails of water down on to the fire, without any effect. Mr. Decker testified that he kept his finger on the button for about three minutes, when the room became so filled with smoke that he was compelled to crawl to the stairway in the front of the building, leading to Wall street, which he descended to the first floor, and stopping at the office met Mr. and Mrs. Freeman and the bookkeeper about to leave the building.

The shipping clerk likewise stated that after he had emptied the three buckets of water on the fire, the smoke became so thick that he could only pause long enough to call to the engineer in the cellar and make his escape. Mr. Freeman states he stayed but a very short time at the stairway where the fire was discovered, and met Mr. Decker on his way out; Mrs. Freeman still being at the telephone trying to get the fire department when he got back to his office in the front of the building; then he and Mrs. Freeman and the bookkeeper left the building. One of the cutters on the second floor stated that he made his exit by way of the fire-escape on Center street. He released the drop-ladder for that purpose, and had hardly gotten down when all escape by means of the fire-escape was cut off. The above facts all clearly show that the fire spread very rapidly, and that only three minutes elapsed from the time of its discovery until all means of escape were cut

off. All the windows throughout the building, of which there were a great many, were open at the time of the fire. Immediately after its discovery, the fire spread through the open main stairway from the first to the second floors, and cut off all means of escape from the second to the first floor by means of this stairway. Those that escaped from above the first floor all went down the front stairway leading to Wall street. The fire and smoke soon spread through this open stairway to the other floors, cutting off all means of escape. The chutes, which had unprotected openings at each floor, likewise served as carriers for the smoke and flames.

Damage to Exposed Property.

Through some confusion of the city fire-alarm system the fire company was delayed in getting to the fire. When the fire company arrived at the scene, smoke was already pouring out of all the windows throughout the entire building, and all hope of rescue had gone. In fact, when the fire truck passed the building, the flames were so hot that blankets on the truck were set on fire and ladders were scorched. The fire was of such intensity that the post-office building 83 feet away was set on fire, one-third of the roof being burned off and considerable damage being done to the interior. The fire was communicated to several buildings across the street on Center street, which were considerably damaged, and to a concrete garage some eighty feet away, which had unprotected window openings in it.

Loss of Life.

When all means of escape was cut off, the employees on the upper floors were overcome by the smoke and fire, or jumped from the windows and were injured or killed. The total number of lives lost being in the neighborhood of thirty-five, all being women but two.

I am of the opinion that the fire originated in the cellar, in the neighborhood of the main stairway, and had gotten considerable headway before it was discovered in the first floor underneath the stairway, to which floor it was either communicated through the floor itself, or through the unprotected openings of the chute.

Origin of Fire.

From the testimony of the employees and the owner, the waste materials, cuttings and clippings, etc., were all stored in the basement and were not baled and stored in fireproof enclosures, but were probably left lying on the cellar floor in the neighborhood of the chute underneath the main stairway, where in my estimation, the fire originated.

Property Loss.

The fire spread with great rapidity, after it reached the first floor, through the unprotected vertical openings fanned by the draught created by the open windows, until within a very short time the entire building was in flames. All that was left after the fire had spent its fury were the cellar walls and the boiler and the mass of ruins. The upper walls fell outward and disintegrated, allowing the interior floors and contents to fall and be consumed. The loss of life would have been very much greater had it not been for the second stairway in the front of the building leading to Wall street, from the second floor to the first floor.

Summary.

The circumstances attending the origin, cause and rapid spread of the fire and the accompanying destruction of life forcibly illustrate:

First.— The evident and prevalent neglect to exercise simple and ordinary precautionary measures against the outbreak of fire by the removal of readily preventable causes.

Second.— The necessity of removing waste materials, cuttings and rubbish from the floors of factory buildings and storing them in fireproof receptacles. All factory floors should be thoroughly swept at least twice each day, all waste, etc., kept in fireproof receptacles and removed from the building at least once each day or be baled and stored in fireproof enclosures.

Third.—Automatic sprinklers are essential and should be provided in all factory buildings where the nature of the work done and the materials used may readily cause a fire.

Fourth.— The necessity of efficiently organized fire-drills and private fire departments equipped with auxiliary fire-fighting apparatus. Fire-drills in connection with a fire-alrm signal system should be conducted at frequent intervals in every factory building, with special regard to the exit facilities, so that if one exit should be cut off, the efficiency of the drill and the opportunity for escape may not be lessened.

Fifth.— The necessity of proper and sufficient exit facilities. All factory buildings of two or more stories in height should be provided with at least two efficient means of exit remote from each other.

Sixth.— The necessity for the enclosure of stairways in all factory buildings two or more stories in height. The interior stairways should be enclosed in partitions of fire-resisting materials, and provided with doors likewise of fire-resisting materials.

Seventh.— The necessity for limiting the number of occupants in accordance with the exit facilities provided. A law to that effect recommended by the Factory Commission was passed at the last session of the Legislature. (Sec. 79e of the Labor Law.) This law goes into effect on February 1, 1914. Under it no more than about 36 employees would have been permitted to work on the fourth floor. Eighty employees worked on that floor on the day the fire occurred.

Eighth.— The utter inadequacy of the so-called outside fire-escape has again been tragically demonstrated.

The laws passed by the last Legislature as the result of the recommendations of the New York State Factory Investigating Commission, fully cover the foregoing requirements, and furnish adequate protection for the lives of factory employees. Of the foregoing, requirements one, two, three and six are covered by laws already in force at the time of the Binghamton fire; requirements four and five are covered by laws which take effect October first, 1913.

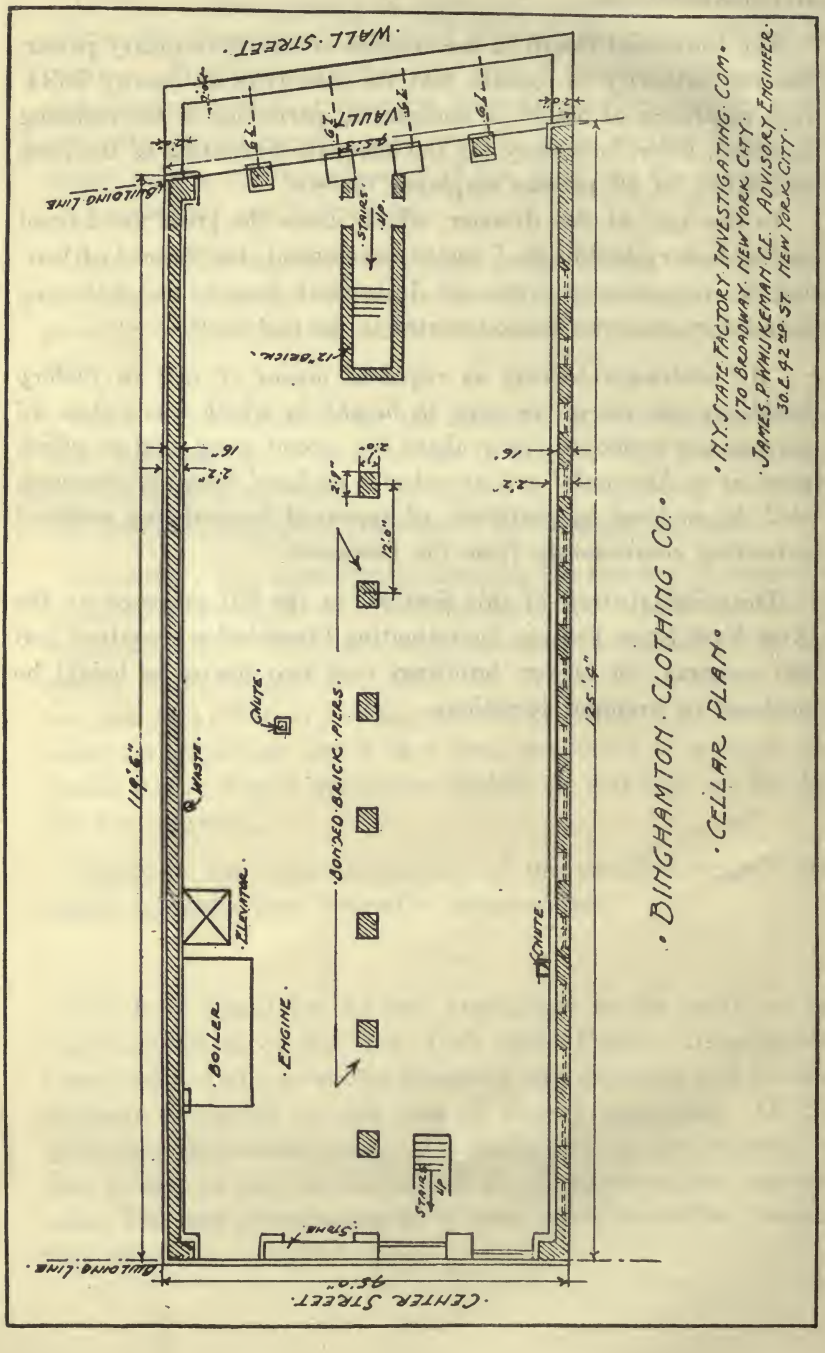
Recommendations.

The Industrial Board in the exercise of its discretionary power, has the authority to require that the stairways in factory buildings regardless of height be enclosed in partitions of fire-resisting material, where necessary for the adequate protection of the lives and safety of all persons employed therein.

In the light of this disaster, which shows the great fire hazard in low factory buildings, I would recommend that instead of leaving it discretionary with the Industrial Board, the following mandatory requirement be inserted in the law itself:

"All stairways serving as required means of exit in factory buildings two stories or over in height in which more than 25 persons are employed on or above the second story, and in which there is no horizontal exit or exterior enclosed fireproof stairway, shall be enclosed by partitions of approved fire-resisting material extending continuously from the basement."

The original draft of this Section, in the bill proposed by the New York State Factory Investigating Commission, required that the stairways in factory buildings over two stories in height be enclosed in fireproof partitions.


WALL STREET
VAULT
BUILDING LINE
STAIRS UP
12" BRICK
CHUTE
WASTE
ELEVATOR
BOILER
ENGINE
BONDED BRICK PIERS
STAIRS UP
STOVE
CHUTE
BUILDING LINE
CENTER STREET
119'6"
125'4"
95'0"
12'0"
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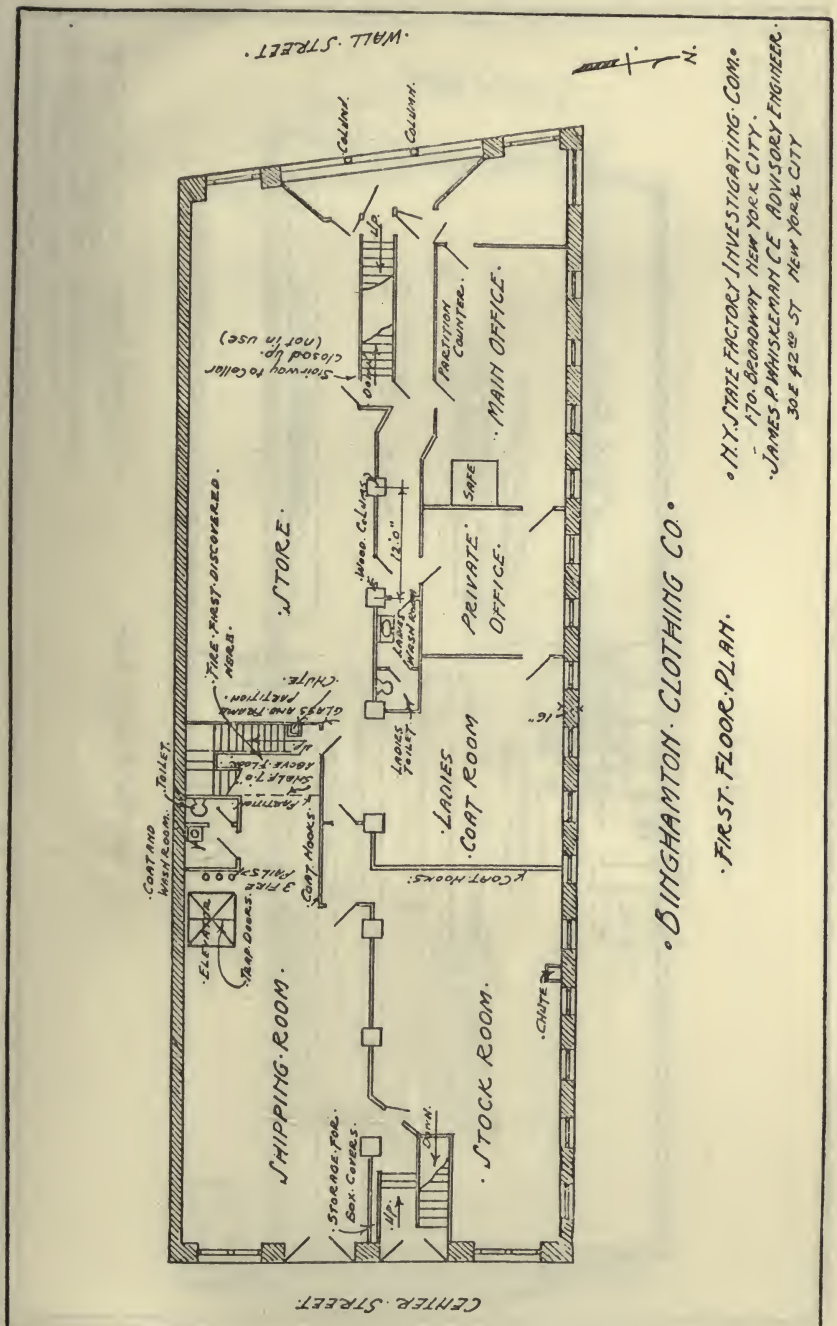
WALL STREET
CENTER STREET
N.
COLUMN
COLUMN
UP
DOWN
PARTITION COUNTER
MAIN OFFICE
SAFE
PRIVATE OFFICE
WOOD COLUMN
12'0"
LADIES WASH ROOM
LADIES TOILET
16"
LADIES COAT ROOM
COAT HOOKS
COAT HOOKS
STORE
FIRE FIRST DISCOVERED HERE
CHUTE
GLASS AND FRAME PARTITION
SHELF 7'0" ABOVE FLOOR
PARTITION
TOILET
COAT AND WASH ROOM
3 FIRE FAILS
ELEVATOR
TRAP DOORS
SHIPPING ROOM
STORAGE FOR BOX COVERS
STOCK ROOM
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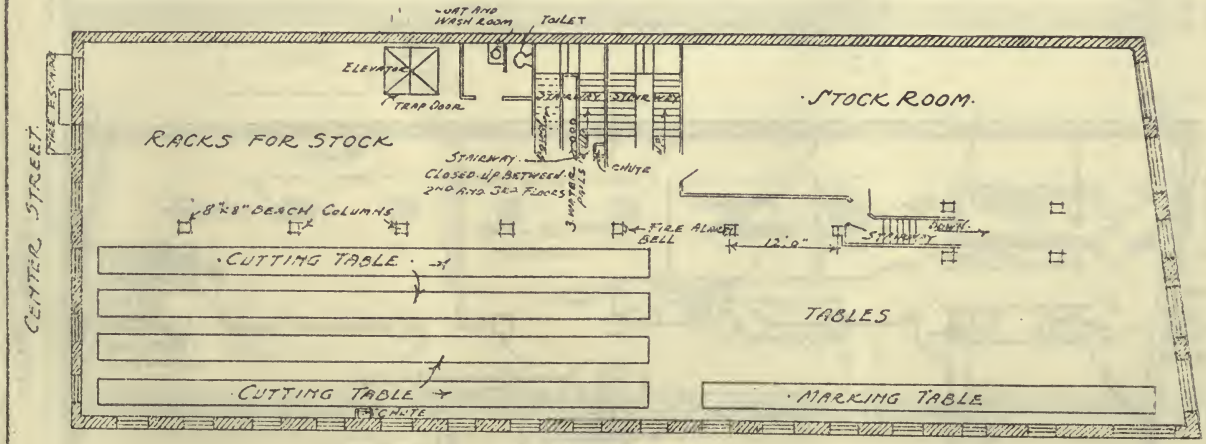

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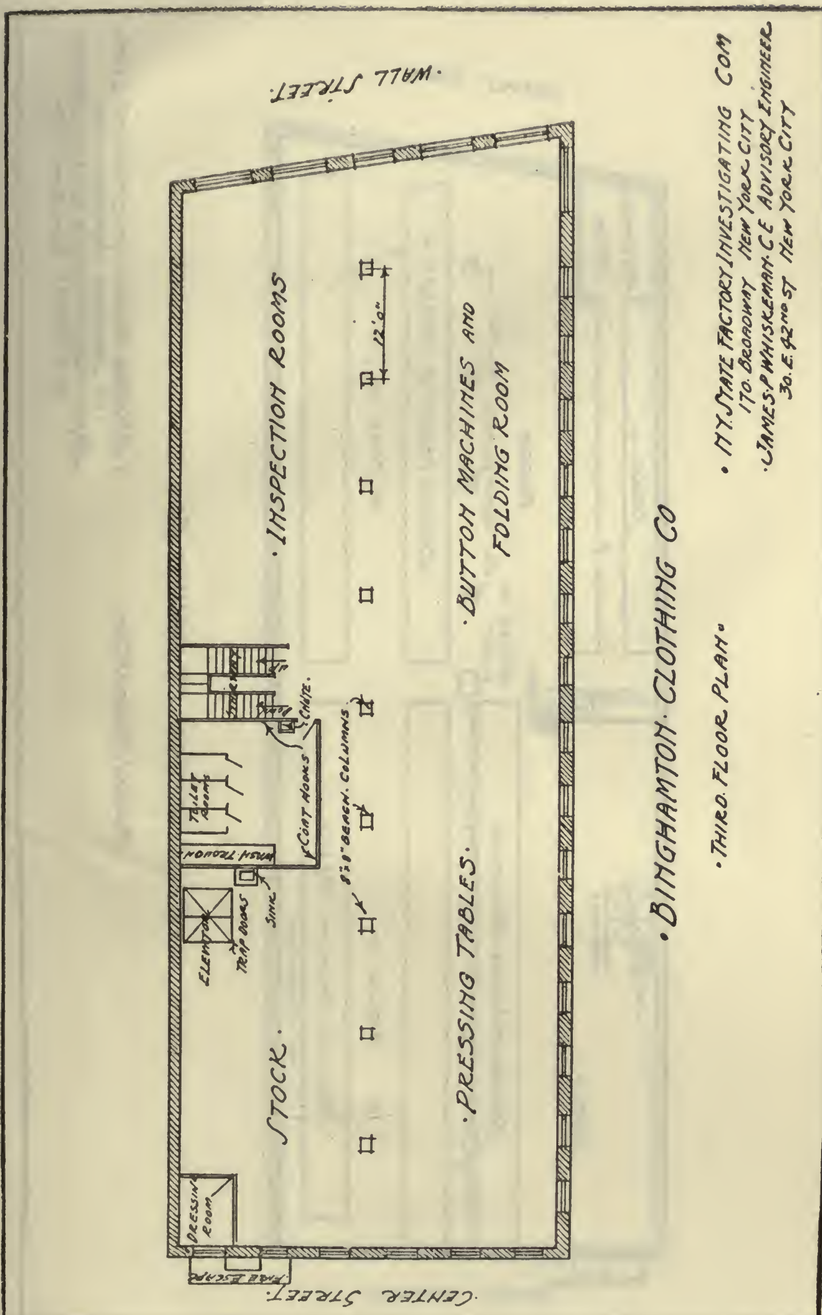
WALL STREET.
INSPECTION ROOMS
BUTTON MACHINES AND FOLDING ROOM
12'0"
STOCK
PRESSING TABLES
ELEVATOR
TRAP DOORS
SINK
WASH TROUGH
TOILET ROOMS
COAT HOOKS
CHUTE
DRESSING ROOM
FIRE ESCAPE
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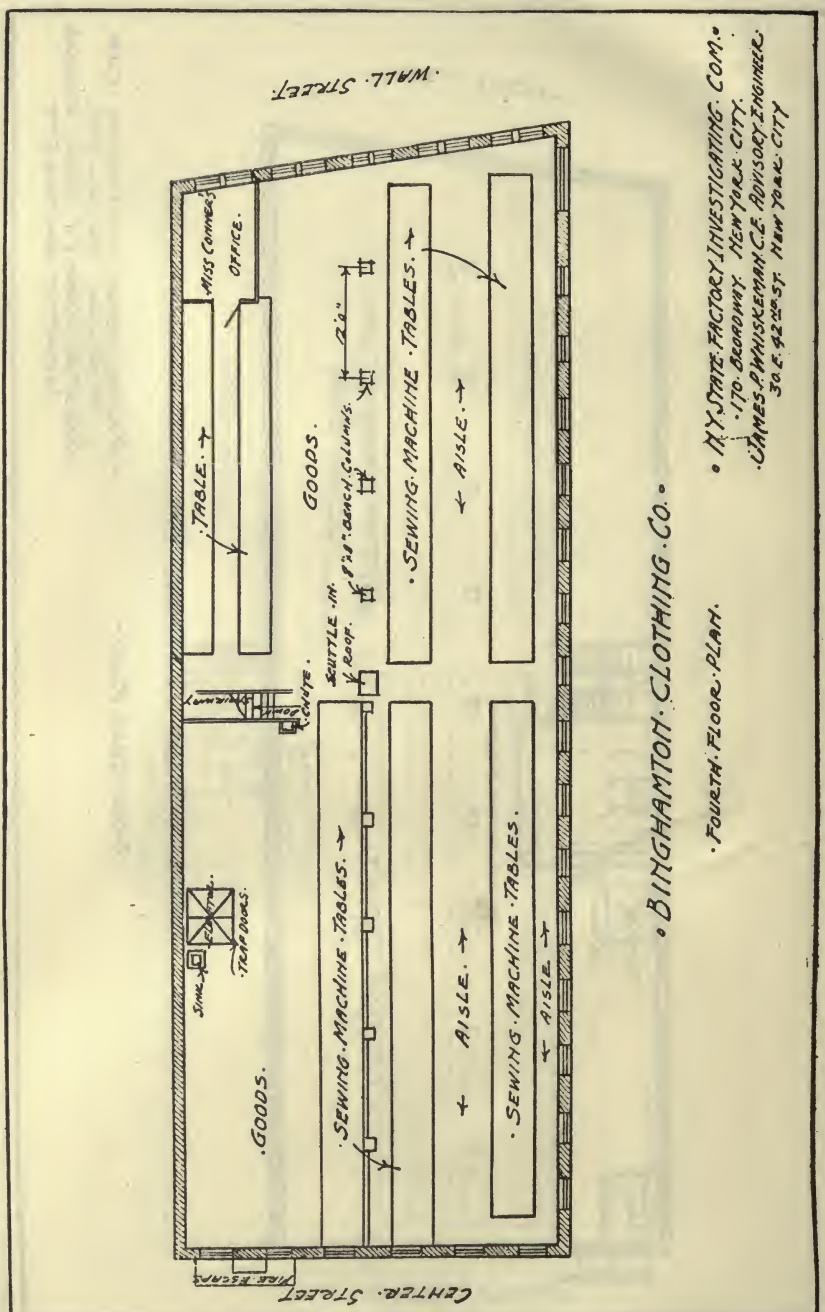
WALL STREET
MISS CONNER'S OFFICE
TABLE
GOODS
SEWING MACHINE TABLES
AISLE
SCUTTLE IN ROOF
CHUTE
SINK
TRAP DOORS
GOODS
SEWING MACHINE TABLES
AISLE
SEWING MACHINE TABLES
AISLE
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